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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17201-17225

[Approved by the Secretary of Agriculture, Washington, D. C., January 7, 1931]

17201. Misbranding of Dr. Kaufmann's sulphur bitters. U. S. v. 22 Bottles, et al., of Dr. Kaufmann's Sulphur Bitters. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24504, 24505, 24506. I. S. Nos. 026939, 026940, 026941, 033654. S. Nos. 2780, 2781, 2790.)

On February 6 and February 8, 1930, respectively, the United States attorneys for the Eastern District of Missouri and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States for said districts libels praying seizure and condemnation of 220 bottles of Doctor Kaufmann's sulphur bitters, alleging that the article had been shipped by A. P. Ordway & Co., New York, N. Y., in various consignments, on or about September 4, September 14, September 25, and October 23, 1929, respectively, and transported from the State of New York into the States of Missouri and Louisiana, respectively, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including aloe and podophyllum, a small amount of sulphur, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article appearing on the label of the bottle and in the accompanying booklet, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Booklet) "Sickness and Its Cause. What is the greatest cause of sickness? * * * Poor, thin, vile, vitiated blood. * * * At times we see people who are dizzy and have fainting fits. These, when not attended to, will result in a diseased brain. Now, dear readers, remember what I have told you: Eradicate from your blood all humors; keep it always in a pure condition, and it is then impossible for you to remain long unwell. Dr. Kaufmann's Sulphur Bitters will aid you to do this and keep your blood in good condition. * * * General Wasting Away. How often we see many people thus afflicted. * * * The general symptoms of this disease are impaired digestion, loss of appetite; there is a gradual wasting away of the whole body, loss of strength, a languid feeling, hectic fever, difficult breathing, and sometimes a most severe cough. In children, worms will cause a general wasting away. In the last twenty years I have noticed this disease in the young of both sexes, where it has been caused by syphilis or other venereal taint, which has descended to them from their parents. Is not this a most terrible thing for parents to thus infect their own children? And where children are of a scrofulous habit, I have noticed an enlargement of the glands, with a costive state of the bowels, indigestion, appetite good one day and poor the next, pallid or flushed cheeks, emaciated limbs, swelling of the abdomen, and in a great many cases horrible eruptions would break out on the arms and thighs, and in fact all over the body. * * * In these cases * * * Dr. Kaufmann's Sulphur Bitters should be freely used; * * * Heartburn. This is a disease of the stomach. * * * Use Dr. Kaufmann's Sulphur Bitters. Re-

tention of the Menses (Chlorosis or Green Sickness)—The nonappearance of the monthly evacuation of the natural period is called retention of the menses, and is followed sooner or later by serious ill health. * * * In this disease you should give Dr. Kaufmann's Sulphur Bitters, * * * Painful Menstruation, or Dysmenorrhoea * * * The discharge is scanty at first, and accompanied with grinding or bearing-down pains, which are sometimes as severe as, if not severer than those of labor. * * * Profuse Menstruation, or Menorrhagia—In an unhealthy state of the system the quantity of menstrual fluid discharged may be increased to such an extent as to cause extreme debility. * * * Leucorrhoea, or Whites (Fluor Albus)—Fluor Albus, or Whites, consists of a discharge from the vagina of a milky-white color. * * * Dr. Kaufmann's Sulphur Bitters should always be taken. * * *

The Turn of Life. The final cessation of the menses is called the Turn of Life, or the critical period of life, * * * Thousands of ladies have sent me letters telling me what good Dr. Kaufmann's Sulphur Bitters have done them during this period. Scabies or Itch * * * Carbuncles * * * Dr. Kaufmann's Sulphur Bitters will aid * * * Chronic Diseases * * *

Boils, Furunculus * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters night and morning. * * * Pemphigus and Rupia * * * Dr. Kaufmann's Sulphur Bitters will help you. * * * Nursing Sore Mouth, Stomatitis Materna * * * Dr. Kaufmann's Sulphur Bitters, Goitre—Bronchocele, or Thick Neck * * * Dr. Kaufmann's Sulphur Bitters * * * Impetigo, Crusted Tetter or Scale * * * Dr. Kaufmann's Sulphur Bitters * * * Pimples * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters three times a day * * * Foul and Offensive Breath * * * Likewise take Sulphur Bitters night and morning * * * Hidden Diseases * * * Dr. Kaufmann's Sulphur Bitters * * * Nervous Diseases * * * Catarrh * * * A teaspoonful of * * * should be taken three times a day * * * Dyspepsia, or Indigestion * * * Jaundice * * * Sulphur Bitters acts like magic in jaundice * * * Piles * * * Dr. Kaufmann's Sulphur Bitters should then be used regularly, * * * To Mill Operatives, Mechanics, Clerks and all Employed Indoors * * * Ecthyma or Pushes * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters night and morning * * * Sick and Nervous Headache * * * Nightmare * * * Sleep * * * Salt Rheum * * * Keep right on using Dr. Kaufmann's Sulphur Bitters. * * * Canker in the Mouth and Stomach, or Thrush * * * The Blues * * * Mothers * * * Tinea Favus, or Scald-Head * * * Syphilis * * * Liver Complaint, or Billousness * * * Malaria, Fever and Ague, Intermittent Fever, or Shakes * * * Chronic Ulcers or Old Sores * * * St. Vitus' Dance * * * Rheumatism * * * Chronic Rheumatism * * * Hysteria, or Hysterics * * * That Tired and All-Gone Feeling;" (bottle label of portion of product) "In obstinate cases of biliousness and costiveness."

On March 10, and March 24, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17202. Misbranding of Nozol. U. S. v. 36 Dozen Packages of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24307. I. S. No. 011566. S. No. 2555.)

On January 22, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 dozen packages of Nozol, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Nozol Co., from Pittsburgh, Pa., on or about November 1, 1929, and transported from the State of Pennsylvania into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil, camphor, and oil of peppermint colored with a pink dye.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and accompanying display card, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of

ingredients capable of producing the effects claimed: (Bottle label) "For the care of the Nose. * * * Nozol (Nose All);" (display card) "Nozol relieves Sinus trouble * * * makes breathing easy * * * recommended by specialists for * * * Hay Fever, General Nose Troubles Use Nozol for Sinus Trouble * * * Sinus Trouble relieved with Nozol. * * * Nozol (Nose All)."

On March 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

17203. Misbranding of Norma. U. S. v. 81 Bottles, et al., of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22220, 22221, 22222. S. Nos. 282, 286, 287.)

On November, 29, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 16½ dozen bottles of Norma at Chicago, Ill., alleging that the article had been shipped by the Norma Laboratories (Inc.), from Albany, N. Y., in various consignments, on or about July 16, October 1, and November 16, 1927, respectively, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, and water, with a small amount of plant extractive material and red coloring matter.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label and in the accompanying circular (bottle label of portion) "A medicine containing an ingredient recognized by many leading physicians as helpful in the treatment of High Blood Pressure," (bottle label of remainder) "Blood Mechanism Regulator. Indicated in cases of discomfort caused by high blood pressure; deficient nerve nutrition, etc.," (circular accompanying portion) "The function of Norma is to aid Nature in its efforts to relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany and manifest themselves in high blood pressure. High Blood Pressure is not a disease. It is a symptom of some disorder or abnormal condition. Sometimes it may be a result of mental worry or strain. Then again it may be the consequence of unhygienic living, over and improper feeding, insufficient physical exercise, accumulation of poisons or toxins in the system, change of life or various other causes. To determine the cause an examination by a physician is desirable. As Norma does not remove the cause of high blood pressure, it is advisable to discover the cause and use corrective medical or hygienic measures while taking Norma. Norma, however, usually reduces high blood pressure and thereby relieves dizziness, head pains, nervousness, restlessness, sleeplessness and other discomforts and pains accompanying it. Those Who Know They Have High Blood Pressure. Thousands of persons have been told by insurance, medical examiners and practicing physicians that they have high blood pressure. Such persons usually find great relief with Norma which reduces most forms of high blood pressure promptly and satisfactorily. It thereby tends to bring relief from dizziness, head pains, and nervousness, sleeplessness, restlessness, melancholia and other distress and ills due to high blood pressure and usually enables blood pressure sufferers to go about their daily work and pleasures in comfort. One bottle often brings wonderful relief," (circular accompanying remainder) "The function of Norma is to aid the nature in its efforts to rehabilitate itself and thus relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany disturbances of human blood mechanism and manifest themselves in so-called high blood pressure. So-called 'High Blood Pressure' is not a disease. It is a symptom of an abnormal condition. Sometimes it is one of the manifestations of Bright's disease—then again it may be a result of mental worry or strain and then again it may be just the consequence of unhygienic living and occurring usually in over and improper feeding and insufficient physical exercise," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof that it was, in whole or in part, com-

posed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned in the said statements.

On April 16, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17204. Misbranding of Nozol. U. S. v. 141 Bottles, et al., of Nozol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24479, 24480, 24493. I. S. Nos. 028865, 028866, 028873. S. Nos. 2743, 2744, 2784.)

On January 23 and January 31, 1930, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 321 bottles of Nozol, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Nozol Co., from Pittsburgh, Pa., in various consignments on or about September 15, September 17, and October 25, 1929, respectively, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil, camphor, and oil of peppermint colored with a pink dye.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article appearing in the labeling were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the most membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth—the fact that they can not be readily seen results in many people neglecting them. Nozol is to-day recognized by physicians, hospitals, and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol * * * healing * * * the infected parts and helping to stop further spread of the infection. * * * permits sufficient time for therapeutic action. * * * Nozol * * * is an effective agent in combating sinus trouble * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing, * * * qualities of Nozol will greatly aid nature in correcting this catarrhal condition. * * * Nozol for Hay Fever * * * Thousands to-day are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol when used in time spreads over the tissues, preventing the pollen from attacking the lining. Nozol for Sinus Trouble * * * It is estimated that * * * people in America are troubled with sinus infection of varying degrees. Sinus trouble * * * is indicated by frequent headaches, drippings of mucus into the throat, stoppage of the nasal passages and soreness and tenderness beneath the eye and over the cheekbone. If nature is allowed a free rein, it can usually correct this condition. Nozol Most Effective Preparation for Sinus Trouble. By using Nozol regularly the nasal passages are kept clear and clean and proper drainage of the sinus allowed. Use frequently—three or four times a day if convenient and shortly, the most stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble * * * People having trouble breathing while sleeping, and this is also true in case of children, can overcome this condition by clearing out the passages with Nozol;" (bottle label on portion of article) "Nozol * * * keeps the nose

* * * healthy;" (display card accompanying portion of article) "Nozol relieves Sinus trouble * * * makes breathing easy * * * recommended by specialists for * * * Hay Fever, General Nose Troubles. Use Nozol for Sinus Trouble * * * Sinus Trouble Relieved with Nozol. * * * Nozol (Nose all)."

On March 10 and March 15, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17205. Misbranding of Bromalina. U. S. v. 7 Dozen Bottles of Bromalina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24524. I. S. No. 024521. S. No. 2816.)

On February 15, 1930, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 dozen bottles of Bromalina at San Juan, P. R., alleging that the article was in possession of the Drug Co. of Porto Rico, San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, a trace of bromoform, sugar, alcohol, and water, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, translation from Spanish) "Indications—Catarrhs, coughs, bronchial affections, grippe, etc., etc.;" (carton, one panel in English and three panels in Spanish) "In diseases of the Respiratory tract, Bronchitis * * * Chronic Coughs, Hoarseness, etc. [Translation] For Diseases of the Respiratory Tract, Bronchitis, Catarrhs, Obstinate Coughs, Grippe, Hoarseness, etc. * * * Bromalina is indicated for Bronchio-pulmonary diseases;" (circular, translation from Spanish) "Bromalina against Cough and Catarrhs. * * * used for many years in Coughs of catarrhal origin with splendid results, should be taken from the first moment in which the catarrhal symptoms appear * * * which make its effects to be beneficial if its use is continued. Bromalina * * * a remedy for catarrhal affections and for diseases in which an antiseptic expectorant is indicated. * * * Bromalina should be taken from the start of any acute or chronic catarrh."

On March 5, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17206. Misbranding of Baker's laxative cold and grippe tablets. U. S. v. 8 Dozen Boxes of Baker's Laxative Cold and Grippe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24196. I. S. No. 010161. S. No. 2392.)

On November 2, 1929, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 dozen boxes of Baker's laxative cold and grippe tablets, remaining unsold in the original boxes at Flint, Mich., alleging that the article had been shipped by the Manhattan Drug Co., from Brooklyn, N. Y., on or about July 10, 1929, and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, extracts of plant drugs including aloe, and traces of cinchonine and capsicum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Grippe Tablets * * * For LaGrippe, Coughs

* * * An efficient remedy for LaGrippe, Coughs * * * Neuralgia * * * Bronchitis * * * will * * * arouse the liver and stimulate the system so as to overcome the infection;" (circular) "These tablets * * * will relieve LaGrippe, Coughs, * * * Neuralgia, Acute Catarrh or Bronchitis. * * * These tablets will arouse the liver and stimulate the system, so as to overcome and expel the infection. The best results will be obtained * * * Take * * * until the cough is relieved * * * after the cough is relieved."

On February 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17207. Misbranding of Norma. U. S. v. 7 Dozen Bottles, et al., of Norma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22201, 22398. I. S. No. 20412-x. S. Nos. 245, 443.)

On November 26, 1927, and January 31, 1928, respectively, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, libels praying seizure and condemnation of two lots, consisting of 7 dozen bottles and 2½ dozen bottles of Norma at Washington, D. C., alleging that the article was being sold and offered for sale in the original unbroken packages by the Peoples Drug Stores, Washington, in the District of Columbia, and charging misbranding in violation of the food and drugs acts as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, and water, with a small amount of plant extractive material and red coloring matter.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label on 7 dozen bottles) "Blood Mechanism Regulator. Indicated in cases of discomfort caused by high blood pressure; deficient nerve nutrition, etc.;" (circular accompanying said 7 dozen bottles) "The function of Norma is to aid the nature in its efforts to rehabilitate itself and thus relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany disturbances of human blood mechanism and manifest themselves in so-called high blood pressure. So-called 'High Blood Pressure' is not a disease. It is a symptom of an abnormal condition. Sometimes it is one of the manifestations of Bright's disease—then again it may be a result of mental worry or strain and then again it may be just the consequence of unhygienic living and occurring usually in over and improper feeding and insufficient physical exercise;" (bottle label on 2½ dozen bottles) "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels."

On February 13, 1930, and March 27, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17208. Misbranding of X-Po. U. S. v. 66 Bottles of X-Po. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24514. I. S. No. 033656. S. No. 2795.)

On February 6, 1930, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 66 bottles of X-Po, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the X-Po Co., from Decatur, Ill., on or about December 30, 1929, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

The article was contained in cartons, each carton containing one bottle of X-Po, and an envelope containing X-Po tablets.

Analyses of samples of the articles by this department showed that the liquid article consisted essentially of a phenol, chloroform, alcohol, sugar, and water; and that the tablets contained acetanilide and acetylsalicylic acid.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (X-Po, bottle label) "X-Po * * * a powerful antiseptic to the lungs, bronchi and throat. It is * * * healing to the membranes of the lungs and bronchial tubes, giving wonderful results in bronchitis, coughs, pneumonia, whooping cough, asthma, and sore throat. * * * Dose * * * For Sore Throat;" (carton) "X-Po For Coughs, Influenza, Bronchitis, Whooping Cough, Asthma, Pneumonia, Sore Throat * * * Stops All Coughs * * * Stops Your Cough;" (X-Po tablets, white envelope) "For * * * Neuralgia, Sciatica, Lumbago, Acute Rheumatism, Sore Throat, * * * Earache, Toothache, Monthly Pains. Stops Any Pain."

On March 24, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17209. Misbranding of Red Cross chill and fever tonic. U. S. v. 10 Dozen Bottles of Red Cross Chill and Fever Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23627. I. S. No. 02390. S. No. 1855.)

Examination of a sample of the drug product known as Red Cross chill and fever tonic by this department showed that the labels bore claims for its curative properties in certain ailments for which quinine sulphate is customarily prescribed, and that the product contained insufficient quinine sulphate to cure such ailments when taken according to the directions printed on the label, namely: "Two teaspoonfuls in water every three hours until it acts well, then three times a day." The labels also bore further curative and therapeutic claims for its effectiveness that were not justified by the composition of the article.

On April 17, 1929, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen bottles of Red Cross chill and fever tonic, remaining in the original unbroken packages at Valdosta, Ga., alleging that the article had been shipped by the Cash Bros. Drug Co. (Inc.), Jacksonville, Fla., on February 6, 1929, and transported from the State of Florida into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of quinine sulphate (6.57 grains per fluid ounce), ferric chloride, magnesium sulphate, and a small amount of hydrochloric acid.

It was alleged in the libel that the article was misbranded in that the statements on the bottle label, to wit, "Chill and Fever Tonic for Chills and Fever, Dumb Ague, Billious Fever, Intermittent Fever and all Malarial Diseases * * * Colds and La Grippe," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17210. Misbranding of Vinder diabetic wine. U. S. v. 11 Bottles of Vinder Diabetic Wine. Default decree of destruction. (F. & D. No. 24346. I. S. No. 021407. S. No. 2604.)

On December 13, 1929, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 bottles of Vinder diabetic wine, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Zarol Medical Research (Inc.), from New Haven, Conn., on or about September 28, 1929, and transported from the State of Connecticut into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including cinchona, a phosphorus compound, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statements "Wine" and "Vinder Diabetic Wine is a splendid dry wine," borne on the labeling, were false and misleading, since the said article contained ingredients not native to wine.

Misbranding was alleged for the further reason that the following statements borne on the shipping package and bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Shipping package) "A Diabetic Medicant of Quality;" (bottle) "Diabetic Wine a powerful Tonic and Nerve Restorative Highly recommended by leading Physicians for Diabetes, Wasting Diseases and essential to conserve the weakened vital forces, a valuable auxiliary in the treatment of Diabetes and aid in the disappearance of Sugar in the Urine * * * Diabetic Wine * * * indicated in the treatment of Diabetes mellitus, and should prove of great value in wasting diseases, Debility."

On March 27, 1930, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17211. Misbranding of Norma. U. S. v. 3 Dozen Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22397. S. No. 458.)

On January 31, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 3 dozen bottles of Norma, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale by the Washington Wholesale Drug Exchange at Washington, in the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, and water, with a small amount of plant extractive material and red coloring matter.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article borne on the bottle label and in the accompanying circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "A medicine containing an ingredient recognized by many leading physicians as helpful in the treatment of High Blood Pressure;" (circular) "The function of Norma is to aid Nature in its efforts to relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany and manifest themselves in high blood pressure. High Blood Pressure is not a disease. It is a symptom of some disorder or abnormal condition. Sometimes it may be a result of mental worry or strain. Then again it may be the consequence of unhygienic living, over and improper feeding, insufficient physical exercise, accumulation of poisons or toxins in the system, change of life or various other causes. To determine the cause an examination by a physician is desirable. As Norma does not remove the cause of high blood pressure, it is advisable to discover the cause and use corrective medical or hygienic measures while taking Norma. Norma, however, usually reduces high blood pressure and thereby relieves dizziness, head pains, nervousness, restlessness, sleeplessness and other discomforts and pains accompanying it. Those Who Know They Have High Blood Pressure. * * * Such persons usually find great relief with Norma which reduces most forms of high blood pressure promptly and satisfactorily. It thereby tends to bring relief from dizziness, head pains, nervousness, sleeplessness, restlessness, melancholia, and other distress and ills due to high blood pressure and usually enables blood pressure sufferers to go about their daily work and pleasures in comfort. One bottle often brings wonderful relief."

On February 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17212. Misbranding of liquid Poultry Health. U. S. v. 7 Pints of Liquid Poultry Health. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24247. I. S. No. 016095. S. No. 2448.)

On November 14, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 pints of liquid Poultry Health at Lanark, Ill., alleging that the article had been shipped by the General Veterinary Laboratory, from Omaha, Nebr., September 19, 1929, and transported from the State of Nebraska into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, mercuric chloride, iron sulphate, copper sulphate, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the label of the container, "Poultry Health * * * Results should be prompt * * * Continue this treatment * * * After this fourteen-day treatment and for general conditioning continue to put 'Liquid Poultry-Health' in the drinking water only, to help ward off disease. * * * For baby chicks add one-half tablespoonful of 'Liquid Poultry Health' to each gallon of drinking water for the first three or four days and thereafter add one tablespoonful to each gallon of drinking water," were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein.

On February 23, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17213. Misbranding of Pinoleum. U. S. v. 10 Dozen Bottles of Pinoleum. Product released under bond. (F. & D. No. 24246. I. S. No. 022488. S. No. 2453.)

On or about December 3, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen bottles of Pinoleum at San Juan, P. R., alleging that the article was in possession of Llompert Bros. Co., San Juan, P. R., and was being offered for sale and sold in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small amounts of volatile oils, including camphor, menthol and pine, eucalyptus, and cassia oils.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Catarrhal Conditions of Mucous Membranes * * * Specially recommended in Nose and Throat diseases;" (carton) "For the relief of Catarrhal Conditions of Mucous Membranes * * * Specially recommended in Nose And Throat Diseases * * * Pinoleum * * * and soothes inflammation, thus relieving pain, soreness, cough, and difficulty in breathing. * * * The ideal Remedy in La Grippe * * * Pinoleum is * * * Healing to Inflamed Mucous Membranes. * * * Adults suffering from catarrhal conditions, not reached by atomizer or nebulizer, should inject Pinoleum into each nostril, night and morning;" (circular) "Pinoleum * * * is as near as possible a specific in the treatment of catarrhal conditions of the mucous membranes. * * * Pinoleum is used in influenza, * * * La Grippe, Ozaena, Hay Fever, * * * Laryngitis, Bronchitis, Asthma, Hoarseness, Adenoids, Tuberculosis of the throat and lungs, intestinal Catarrh, with resulting constipation. Pinoleum when sprayed into the mouth and throat during the act of inspiration gives almost immediate relief in coughs, especially coughs accompanying Influenza, Laryngitis and Bronchitis. Pinoleum is extensively prescribed by * * * lung Specialists for catarrhal conditions of the mucous membranes and may be taken internally in milk * * * especially in cases of Bronchitis, where teaspoonful doses, administered every three

or four hours, give marked relief. Pinoleum has gained an enviable reputation for the relief of catarrhal conditions of the intestinal mucous membranes, resulting in what is ordinarily called Constipation. Pinoleum should be used as a preventive measure in Influenza, Measles, and other Communicable Diseases. * * * in the treatment of all forms of catarrhal conditions of the mucous membranes. Pinoleum * * * inflammation, thus relieving pain, soreness, cough, and difficulty in breathing. * * * Infants and Young Children suffering from * * * nasal catarrh, * * * should have the mucous removed with a cotton-wound applicator, saturated with Pinoleum, and while the head is bent backward, a medicine dropper or a Pinoleum Pipet full of Pinoleum should be injected into each nostril three to six times a day and until there is complete relief from symptoms. * * * Scientists have discovered that in the first thirty-six hours of infection, the germs of influenza and gripe are confined to the nose and throat. Many contagious diseases of childhood begin by way of the nose. The prompt use of Pinoleum will contribute greatly to their elimination * * * Pinoleum acts * * * on the mucous membrane of the intestinal tract * * * Ever Tending to Reestablish Normal Secretions and Normal Activity. * * * the treatment kept up until normal bowel action is obtained. * * * Pinoleum Is a Useful Medication in Catarrhal Conditions of Mucous Membranes in Any Part of the Body."

On March 1, 1930, Llompart Bros. Co., San Juan, P. R., having appeared as claimant for the property and having confessed the libel, judgment was entered ordering that the product be released to the said claimant to be relabeled under the supervision of this department, upon the execution of a bond in the sum of \$400.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17214. Adulteration and misbranding of ether. U. S. v. 100 Half-Pound Tins of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24082. S. No. 2321.)

On September 23, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 half-pound tins of ether at Chicago, Ill., alleging that the article had been shipped by the Ohio Chemical & Manufacturing Co., from Cleveland, Ohio, September 4, 1929, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

The article was labeled in part: "Ether A Superior Product for Ether Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under the name ether, a name recognized in the United States Pharmacopeia, and differed from the standard of purity as determined by the tests laid down in said pharmacopeia official at the time of investigation. Adulteration was alleged for the further reason that the strength of the article fell below the professed standard under which it was sold, in that it was sold under the following standard, "Ether. The exceptional purity of this Ether * * * the exclusion of air by carbon dioxide prevents the oxidation of ether to * * * peroxides by atmospheric oxygen," whereas the said article fell below such professed standard.

Misbranding was alleged for the reason that the statements on the label, "The exceptional purity of this Ether * * * The exclusion of air by carbon dioxide prevents the oxidation of ether to peroxides by atmospheric oxygen," were false and misleading.

On February 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17215. Adulteration and misbranding of Dakol nasal cream. U. S. v. 2 Dozen Small-Sized Packages, et al., of Dakol. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24334, 24335. I. S. Nos. 028683, 028684, 028685. S. Nos. 2585, 2586.)

On December 13, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 51 small-sized packages and 9 large-sized packages of Dakol nasal cream, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the New Haven Laboratories (Inc.), from New Haven, Conn., in part on or about September 20, 1929, and in part on or about November 16, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base, wool fat, a trace of sodium chloride, menthol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength: (Tube) "Antiseptic," whereas the said article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the further reason that the following statements borne on the cartons and tubes containing the article, regarding its curative and therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube, small size) "For * * * relief of * * * Catarrh, Bronchitis, Whooping Cough, Hay Fever, Sore Throat, Asthma. * * * To Prevent nose and throat infection;" (carton, small size) "For the relief of * * * bronchitis, catarrh, whooping cough, hay fever, sore throats and asthma. For the prevention of contagious diseases contracted through nose and throat. * * * Insert tip * * * into nostril * * * pinch tube and draw deep, long breath through nose until Dakol reaches the throat;" (tube, large size) "A Scientific Healing * * * Nasal Cream * * * A scientific treatment for the quick relief of * * * Catarrh, Bronchitis, Whooping Cough, Hay Fever, Sore Throats, Asthma;" (carton, large size) "A scientific treatment for the relief of * * * Bronchitis, Catarrh, Whooping Cough, Hay Fever, Sore Throats, Asthma."

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17216. Misbranding of laxative cold and gripe tablets. U. S. v. 1,000,000 Laxative Cold and Gripe Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24443. I. S. No. 029533. S. No. 2684.)

On January 17, 1930, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000,000 laxative cold and gripe tablets at Memphis, Tenn., consigned by Parke, Davis & Co., Detroit, Mich., alleging that the article had been shipped from Detroit, Mich., on or about December 29, 1928, and transported from the State of Michigan into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilide (1.85 grains per tablet), cinchonidine, and extracts of plant drugs including a laxative drug.

The article was labeled in part: (Metal container) "This package is labeled in compliance with The Food and Drugs Act June 30th, 1906;" (shipping package) "Laxative Cold and Gripe Tablets."

It was alleged in the libel that the article was misbranded in that the tablets contained acetanilide and the package failed to bear a statement on the labels of the quantity and proportion of acetanilide contained in the said tablets. Misbranding was alleged under section 8 of the act, paragraph 3, in the case of drugs, in that the labels bore false statements of curative and therapeutic effects.

On February 26, 1930, the J. R. Watkins Co., Memphis, Tenn., having appeared as claimant for the property, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17217. Misbranding of Lax. Cold Grippe tablets. U. S. v. 450,000 Tablets of Lax. Cold Grippe. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24442. I. S. No. 029532. S. No. 2683.)

On January 17, 1930, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 450,000 Lax. Cold Grippe tablets at Memphis, Tenn., consigned by Strong-Cobb & Co., from Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, on or about November 24, 1928, and transported from the State of Ohio into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilide (1.85 grains per tablet), cinchonidine, and extracts of plant drugs including a laxative drug.

The article was labeled in part: (Metal container) "Lax. Cold Grippe;" (slip inside of container) "Refer to RX A. S. M. X. when reordering Special Cold and Grippe Tablets."

It was alleged in the libel that the article was misbranded in that the tablets contained acetanilide and the packages failed to bear a statement on the labels thereof of the quantity or proportion of acetanilide contained in the said tablets. Misbranding was alleged under section 8 of the act, paragraph 3, in the case of drugs in that the labels bore false statements of curative and therapeutic effects.

On February 26, 1930, the J. R. Watkins Co., Memphis, Tenn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17218. Adulteration and misbranding of Vapo-Cresolene. U. S. v. 3 Dozen Large Bottles, et al., of Vapo-Cresolene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24600. I. S. Nos. 030213, 030214. S. No. 2932.)

On March 8, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen large-sized bottles and 57 dozen small-sized bottles of Vapo-Cresolene, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vapo Cresolene Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about December 10, 1929, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cresylic acid with small amounts of water and neutral coal-tar oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (bottle label, small size) "A teaspoonful of Cresolene to a quart of water makes a powerful liquid germicide and antiseptic wash," (carton, both sizes) "One teaspoonful of Cresolene to a quart of water, makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house," (carton, both sizes) "A germ destroying liquid to be vaporized," (circular, both sizes) "Inhalation treatment is an important means * * * of bringing specific antiseptics to act upon and stop the growth of the germs of disease," whereas the strength of the article fell below such professed standard, in that it was neither germicidal nor antiseptic in the solution recommended.

Misbranding was alleged for the reason that the statements, (bottle label, small size) "A teaspoonful of Cresolene to a quart of water makes a powerful liquid germicide and antiseptic wash," (carton, both sizes) "One teaspoonful of Cresolene to a quart of water makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house," were false and misleading in that the article was neither germicidal

nor antiseptic in the solution recommended. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, large and small sizes) "Whooping Cough, Spasmodic Croup, Bronchial Asthma, Coughs * * * Bronchitis, Influenza * * * for the relief of the paroxysms of Whooping Cough, Spasmodic Croup, Bronchial Asthma, Hay Fever, Influenza. For Nasal Catarrh, Sore Throat, Coughs * * * Bronchitis, Broncho-pneumonia, and the bronchial complications of Scarlet Fever and Measles. In Diphtheria its use * * * adds to the probability of a successful outcome. Vaporized Cresolene is a protection to those necessarily exposed to communicable diseases. * * * One teaspoonful of Cresolene to a quart of water makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house. * * * The use of vaporized antiseptic for certain inflammatory diseases of the air passages is a well recognized and valuable method of treatment. * * * The air passages are then penetrated by the restorative vapor with every breath. Cresolene has been used since 1879 for the relief of the diseases for which it is recommended;" (carton, small size, additional statements) "A vapor treatment for Whooping Cough, Spasmodic Croup, * * * Bronchial Asthma, Coughs * * * Bronchitis, Influenza;" (bottle, large size) "A vapor treatment for Whooping Cough, Spasmodic Croup, Nasal Catarrh, * * * Sore Throat, Bronchitis, Bronchial Complications of Measles, Bronchial Asthma and Hay fever;" (bottle, small size) "A vapor treatment for Whooping Cough, Spasmodic Croup, Nasal Catarrh, * * * Sore Throat, Bronchitis, Broncho-Pneumonia, Bronchial Complications of Scarlet Fever and Measles, the Paroxysms of Asthma and Hay Fever, and * * * in the treatment of Diphtheria;" (circular, large size) "For Whooping Cough, Spasmodic Croup, Bronchial Asthma, * * * Coughs, Bronchitis * * * The liquid is vaporized * * * is carried through every passage, tube and cell of the breathing organs and produces a direct action on the very seat of the disease. * * * is an important means of surely and readily treating many bronchial troubles and of bringing specific antiseptics to act upon and stop the growth of the germs of disease. * * * it has obtained a prominent position in the treatment of Whooping Cough and Spasmodic Croup, it has also been found effective in treating other bronchial and nasal diseases, viz: Bronchitis, Coughs, Bronchial Asthma, Nasal Catarrh, Hay Fever, * * * the bronchial complications accompanying Measles, and as a protection to those necessarily exposed to infectious diseases. * * * for use about the body as in the washing of * * * boils * * * etc. * * * Laboratory tests * * * show that it kills the germs of Diphtheria, Typhoid Fever and the Pus germ. * * * In Diseases of Animals. Vapo-Cresolene is very effective in the treatment of Distemper, Coughs and Colds in horses and dogs and Roup in Chickens, * * * [German] Whooping Cough, Asthma, Spasmodic Croup, Dyspnoea, Catarrh, Bronchial Inflammation; [Italian, French, and Spanish] Whooping Cough, Spasmodic Croup, Asthma, Catarrh, Bronchitis;" (circular, small size) "For Whooping Cough * * * Bronchial Asthma, Influenza, * * * Bronchitis, Coughs * * * The liquid is vaporized * * * is carried through every passage, tube and cell of the breathing organs and produces a direct action on the very seat of the disease. * * * is an important means of surely and readily treating many bronchial troubles and of bringing specific antiseptics to act upon and stop the growth of germs of disease. * * * it has obtained a prominent position in the treatment of Whooping Cough and Spasmodic Croup, it has also been found effective in treating other zymotic diseases, viz: Bronchitis, Coughs, Bronchial Asthma, Nasal Catarrh, Hay Fever, Influenza. * * * the bronchial complications accompanying Scarlet Fever and Measles, to relieve the difficulty of breathing and the coughing spells in Broncho-Pneumonia, and as a protection to those necessarily exposed to infectious diseases. * * * one teaspoonful of Cresolene to a quart of water. * * * This solution may be used as a healing and antiseptic wash for cuts, sores, ulcers, eruptions, heat rash, and for the disinfection of wounds. * * * Laboratory tests * * * show that it kills the germs of Diphtheria, Typhoid Fever and the Pus germ * * * In Diseases of Animals. Vapo-Cresolene is very effective in the treatment of Distemper, Pneumonia, Coughs and Colds in horses and dogs and Roup in Chickens;" (circular, small size, in

German) "Whooping Cough, Asthma, Spasmodic Croup, Dyspnoea, Catarrh, Bronchial Inflammation. [Also statements similar to those quoted above];" (circular, small size, in Italian, French, and Spanish) "Whooping Cough, Spasmodic Cough, Asthma, Catarrh, Bronchitis. [Also statements similar to those quoted above, under circular, small size];" (circular, small size, testimonials) "Pertussis (Whooping Cough) * * * An apparatus for vaporizing Vapo-Cresolene was * * * employed, * * * almost immediately the paroxysms were relieved. * * * two cases well established, the paroxysms very frequent, and the children much exhausted. Several other children were coughing with that quick, percussive cough so characteristic of the first stage. The Vaporizers were started, and after forty-eight hours the paroxysms had ceased, no more whooping or vomiting; sleep was obtained. Though children were admitted to the institution who had not had the disease, no new cases broke out, and the epidemic was at an end. * * * Unequaled in the treatment of Whooping Cough. * * * It has a beneficial effect in allaying the irritation and desire to cough in Bronchitis. * * * I have found it of such great value in cases of Whooping Cough, Croup and other spasmodic coughs * * * Children suffering from such diseases can oftentimes be relieved by the use of the above apparatus. * * * Our institution has recently passed through an epidemic of whooping cough. You * * * furnished * * * a supply of Cresolene * * * The results have been good * * * In some instances the whooping stage was aborted, in others the paroxysms were lessened in severity and frequency, in others the duration of attack shortened one or two weeks. * * * I have used it in Croup and Bronchial troubles of different natures. * * * During the past winter we had an outbreak of Whooping Cough at this Institution, having about sixty cases. They were all treated by inhalations, of your Vapo-Cresolene without other treatment. In these cases they all made uneventful recoveries without complications. I unhesitatingly recommend your preparation in Whooping Cough * * * Practical Notes on the Prevention and Treatment of Diphtheria.—I have used with excellent results Vapo-Cresolene. * * * I find your remedy to be the best I have ever tried in the treatment of Whooping Cough, Catarrhal Fever, Asthma, also for disinfecting rooms where Scarlet Fever and Diphtheria prevail. * * * The lamp that is known as the Vapo-Cresolene lamp is of great benefit in Whooping Cough and will be found at times to relieve the coughing spells, particularly those that occur at night, of Bronchitis and Broncho-Pneumonia. * * * I have found it very beneficial for my little ones with Whooping Cough and Influenza * * * useful assistant whatever treatment may be used in the check and cure of the trying diseases for which it has been specially recommended. * * * I used it for my little fellow when he had whooping cough, and the first night I lit it he slept through without a break. * * * I have found the Vapo-Cresolene Vaporizer invaluable for the treatment of whooping cough and bronchitis. * * * stopped my little son's continuous coughing in one night."

On March 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17219. Adulteration of culture A. *Bacillus bulgaricus*. U. S. v. 18 Bottles of Culture A. *Bacillus Bulgaricus*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24401. I. S. No. 026663. S. No. 2647.)

On December 30, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 bottles of culture A. *Bacillus bulgaricus* at Chicago, Ill., alleging that the article had been shipped by the Ferment Co., from New York, N. Y., November 12, 1929, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Culture A. *Bacillus Bulgaricus* (Metchnikoff) *Bacillus Acidophilus*."

Examination of a sample of the article by this department showed that the article contained not more than 100,000 viable lactobacilli per cubic centimeter.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, to wit, "Culture * * * *Bacillus Bulgaricus* * * * *Bacillus Acidophilus*."

On April 10, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17220. Misbranding of Chill-Check. U. S. v. 6½ Dozen Bottles of Chill-Check. Default decree of destruction entered. (F. & D. No. 23978. I. S. No. 010425. S. No. 2224.)

Examination of a sample of a drug product known as Chill-Check by this department showed that the label bore claims for its curative properties in certain ailments for which quinine sulphate is customarily prescribed, and that the product contained insufficient quinine sulphate to cure such ailments when taken according to the directions printed on the bottle label, namely: "Two teaspoonfuls in little water every three hours until bowels act well, then three times a day." The labels also bore further curative and therapeutic claims for its effectiveness that were not justified by the composition of the article.

On August 31, 1929, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6½ dozen bottles of Chill-Check, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Bedsole-Colvin-O'Dell Drug Co., from Birmingham, Ala., on or about July 9, 1929, and transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, iron chloride, quinine sulphate (3.47 grains per fluid ounce), and water.

It was alleged in substance in the libel that the article was misbranded in that the statements on the labeling, "Chill-Check * * * for * * * Influenza, Chills and Fever, Malaria and Biliousness," were false and fraudulent in that they represented that the article contained a drug or substance indicated or recommended in cases of influenza, chills and fever, malaria, and biliousness, whereas the said article did not have the curative or therapeutic value or effects claimed.

On March 26, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17221. Misbranding of Talbot's All Healing Unguentol ointment. U. S. v. 72 Boxes of Talbot's All Healing Unguentol Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24456. I. S. No. 021952. S. No. 2722.)

On January 17, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 72 boxes of Talbot's All Healing Unguentol ointment, remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by the Manhattan Drug Co., from New York, N. Y., on or about September 16, 1929, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum, wax, and wool fat base, zinc oxide, boric acid, phenol, sulphur, an empyreumatic substance such as tar oil, and essential oils including menthol and camphor.

It was alleged in the libel that the article was misbranded in that the following statement appearing on the carton and tin box containing the article and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin box label) "Healing * * * Nutritive * * * for Wounds, Sores, * * * Piles, Ulcers, Eczema, and All Skin Diseases. * * * apply * * * to afflicted parts;" (carton) "Healing Nutritive * * * For Wounds, fresh and old sores, * * * piles or hemorrhoids, ulcers, eczema, salt rheum, itch, ringworm, scald head and all skin diseases. * * * containing wonderful healing properties combined with a readily absorbent * * * healing base.

* * * Apply * * * to afflicted parts;" (circular) "Is easily and quickly absorbed by the skin and underlying tissues. It carries the relieving * * * healing * * * properties of the ointment all through the tissues where they are most needed. This Emollient contains * * * Healing * * * Properties * * * with a * * * Healing Base. * * * quickly heals * * * It * * * heals and forms new healthy tissues, in Old Sores, Ulcers, Wounds and all offensive nonhealing eruptive surface skin diseases accompanied by a discharge. It is a specific for Piles, Hemorrhoids, Eczema, Salt-rheum, Itch, Ringworm, Scald-head, Bites * * * all Skin Diseases * * * It is a * * * healing remedy for Catarrh * * * Influenza, Hay Fever, and all diseases of the Mucous Membrane of the Nasal Passages. * * * Apply freely to afflicted parts * * * In the treatment of Old Sores, * * * for the Treatment of Catarrh."

On March 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17222. Misbranding of Stopkofin. U. S. v. 6 Dozen Bottles of Stopkofin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23685. I. S. No. 07112. S. No. 1878.)

On or about May 11, 1929, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen bottles of Stopkofin at San Antonio, Tex., alleging that the article had been shipped by the Piuma Italian Pharmacy, from Los Angeles, Calif., on or about March 27, 1929, and transported from the State of California into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, ammonium carbonate, potassium iodide, antimony and potassium tartrate, extracts of plant drugs including podophyllum, a trace of chloroform, alcohol (28 per cent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and bottle label, "Contains no * * * alcohol," was false and misleading. Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article appearing on the carton and bottle labels were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Stopkofin * * * for * * * Coughs, * * * Loss of Voice, Bronchitis, Hoarseness, * * * Spasmodic Croup, Bronchial and La Grippe Coughs, and * * * minor affections of the Throat and Lungs. * * * Stopkofin Laboratories * * * Stopkofin * * * Prepared From * * * Eleven Ingredients * * * For Coughs;" (bottle) "Stopkofin * * * for * * * Coughs, * * * Loss of Voice, Bronchitis, Hoarseness, * * * Whooping Cough, Spasmodic Croup, Bronchial and La Grippe Cough, and * * * minor affections of the Throat and Lungs * * * Stopkofin Laboratories."

On January 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17223. Misbranding of carbolized witch-hazel ointment and Hailperin's antiseptic healing ointment. U. S. v. 78 Boxes of Carbolized Witch Hazel Ointment, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24457, 24458. I. S. Nos. 028926, 028927. S. Nos. 2704, 2705.)

On January 21, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 78 boxes of carbolized witch-hazel ointment and 36 boxes of Hailperin's antiseptic healing ointment, remaining in the original unbroken packages at Newark, N. J., alleging that the articles had been shipped by the Manhattan Drug Co., Brooklyn, N. Y., in part on or about September 28, 1929, and in part on or about November 2, 1929, and transported from the State of

New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the carbolized witch-hazel ointment and Hailperin's antiseptic healing ointment consisted essentially of a petrolatum, wax, and wool-fat base, zinc oxide, boric acid, phenol, sulphur, an empyreumatic substance such as tar oil, and essential oils, including menthol and camphor.

It was alleged in the libels that the articles were misbranded in that the following statements appearing on the carton and tin box labels, and in the accompanying circular, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin box) "Healing * * * Nutritive * * * For wounds, sores * * * Piles, ulcers, eczema, and all skin diseases * * * apply * * * to afflicted parts;" (carton) "Healing Nutritive * * * For Wounds, fresh and old sores, * * * piles or hemorrhoids, ulcers, eczema, salt rheum, itch, ringworm, scald-head and all skin diseases. * * * containing wonderful healing properties combined with a readily absorbent * * * healing base. * * * Apply * * * to afflicted parts;" (circular) "Is easily and quickly absorbed by the skin and underlying tissues. It carries the relieving * * * healing * * * properties of the ointment all through the tissues where they are most needed. * * * This emollient contains * * * Healing * * * Properties * * * with a * * * Healing Base. * * * Quickly Heals * * * It * * * heals and forms new healthy tissue, in Old Sores, Ulcers, Wounds and all offensive nonhealing eruptive surface skin diseases accompanied by a discharge. It is a specific for Piles, Hemorrhoids, Eczema, Salt-rheum, Itch, Ringworm, Scald-head, Bites * * * all Skin Diseases * * * It is a * * * healing remedy for Catarrh * * * Influenza, Hay fever, and all diseases of the Mucous Membrane of the Nasal Passages. * * * Apply freely to afflicted parts * * * In the treatment of Old Sores * * * for the Treatment of Catarrh."

On March 10, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17224. Misbranding of Ferrasol. U. S. v. 12 Dozen Packages of Ferrasol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24317. I. S. No. 012055. S. No. 2556.)

On or about December 14, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 12 dozen bottles of Ferrasol, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Crown Remedy Co., Dallas, Tex., on or about October 2, 1929, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate (45 per cent), magnesium carbonate (26 per cent), salicylic acid (0.34 per cent), small amounts of calcium and iron carbonates, a tartrate, and starch flavored with oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements borne on the carton, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Ferrasol * * * is indicated in the numerous health troubles caused by an excess of acids in the system. Acute Indigestion * * * Dysentery and Constipation are often caused by Hyper-Acidity. Ferrasol will give relief in such cases. It will also be found helpful in Kidney and Bladder trouble * * * The Sign of Good Health * * * Stops Indigestion Now! * * * For Acute Indigestion take * * * Repeat hourly until relieved. For Chronic Indigestion * * * Also take * * * after any meal that fails to assimilate properly. * * * In cases of Dysentery and Ptomaine Poisoning call your physician and take * * * immediately. * * * For Chronic Acidosis take * * * until condition becomes normal. In Severe Cases * * *."

On February 21, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17225. Misbranding of Devel's Grippe. U. S. v. 6 Dozen Bottles of Devel's Grippe. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24244. I. S. No. 016870. S. No. 2484.)

On or about November 15, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen bottles of Devel's Grippe, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Devel's Chemical Co., from Sylvester, Ga., on or about September 19, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including glycyrrhiza and a laxative drug, sugar, glycerin, alcohol and water, flavored with oil of anise.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "24 Hour * * * Grippe, Cough, Flu, * * * Fever Knocker. * * * something for every symptom that goes with * * * Grippe, Cough, Sore Throat, Bronchitis, Lumbago, Neuralgia, * * * Flu and Pneumonia. Reduces Fever Instantly. Relieves sufferers of Asthma Quickly. * * * Devel's Grippe * * * 'It's Powerful' relief starts immediately after the first dose. Preparation for * * * Grippe, Cough, Sore Throat, Bronchitis, * * * Flu and Pneumonia, * * * Removes that Grippy Feeling Immediately after first dose. * * * Removes the Causes in Less Than 24 Hours * * * Devel's Grippe is * * * especially prepared * * * for * * * Coughs, Grippe, Flu and Fever;" (bottle) "24 Hour Knocker Devel's Grippe * * * 'It's Powerful' Relief Starts Immediately After The First Dose. Preparation for * * * Grippe, Cough, Sore Throat, Bronchitis, * * * Flu and Pneumonia, Reduces Fever Instantly, Removes that Grippy Feeling immediately after the first dose; (circular) "Devel's Grippe * * * Kills * * * Flu Germs; Clears the System—Stops Cough Immediately. Makes you eat better—Sleep Better—Work Better—and feel better. * * * If your liver and lungs fail to do their duty, portions of waste matter remain in your stomach and intestines where the system is run down and is too weak to throw off the germ. Creosote is helpful in strengthening the lungs while the laxative we use is especially adapted for removing Cold from intestines. Devel's Grippe is recommended for * * * Cough, Grippe, Flu, Pneumonia, Sore Throat, Bronchitis, Asthma, Lumbago, Neuralgia, * * * Reduces Fever Instantly—Very Fine for Whooping Cough. * * * It's Powerful! Kills * * * Flu Germ, removes that Grippy feeling immediately after the first dose. This great 24 Hour * * * Grippe, Cough, Flu and Fever Knocker * * * Devel's Grippe * * * It will work the Cold, Bile, Malaria, Filth and Impurities from your system in a surprising manner, * * * and build you up all over as a general tonic. Removes the causes in less than 24 hours."

On February 21, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17226-17250

[Approved by the Secretary of Agriculture, Washington, D. C., January 7, 1931]

17226. Adulteration and misbranding of coal-tar color. U. S. v. One 1-Pound Can, et al., of Coal Tar Color. Consent decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 14297, 14298, 14884, 14889. I. S. Nos. 6564-t, 6565-t, 6645-t, 7543-t, 7544-t. S. Nos. E-3204, E-3205, E-3215, E-3217.)

On March 31 and April 29, 1921, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of eight 1-pound cans and one 3-pound can of coal-tar color, in various lots at Newark, Carlstadt, Passaic, and Woodbridge, N. J., respectively, alleging that the article had been shipped by the W. B. Wood Manufacturing Co., St. Louis, Mo., in various consignments, on or about February 28, March 14, and March 15, 1921, respectively, and had been transported from the State of Missouri into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Complies with all requirements, Quality, Color * * * Contents Red (or "Yellow")." A portion of the said article was further labeled "W. B. Wood Mfg. Co., St. Louis, Mo."

It was alleged in the libels that the article was adulterated in that substances, to wit, sodium sulphate and sodium chloride, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for coal-tar color, which the article purported to be. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

Misbranding was alleged with respect to a portion of the product for the reason that it was a product composed in whole or in part of sodium chloride, sodium sulphate, and arsenic, prepared in imitation of vegetable color, and was offered for sale under the distinctive name of another article, to wit, vegetable color. Misbranding was alleged with respect to the remainder of the said article for the reason that the statement, "Complies with all requirements," was false and misleading, since the ingredients contained in the article did not comply with all requirements of the said law and regulations made pursuant thereto, in that it contained excessive arsenic and salts and showed the presence of a nonpermitted dye, to wit, Fast Red E., and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was coal-tar color made in compliance with law and said regulations, whereas it was not.

On April 10, 1930, by consent of the claimant, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17227. Adulteration of scallops. U. S. v. 25 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24667. I. S. No. 028624. S. No. 2552.)

On November 22, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 gallons of scallops, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Wallace M. Quinn Co., from New Bedford, Mass., on or about November 21, 1929, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On March 26, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17228. Adulteration of canned frozen eggs. U. S. v. 899 Cans of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24398. I. S. No. 017361. S. No. 2649.)

On December 24, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 899 cans of frozen whole eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the North American Creameries (Inc.), from Paynesville, Minn., on or about October 30, 1929, and transported from the State of Minnesota into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "North American Creameries Incorporated Whole Eggs;" (can) "Purity Frozen Eggs * * * Anglo American Provision Co. Distributors, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a putrid animal substance.

On December 26, 1929, Miles Friedman (Inc.), Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act or the laws of State, Territory, District, or insular possession of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17229. Adulteration and misbranding of cheese. U. S. v. 2 Boxes of Longhorns Cheese, et al. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 23495. I. S. Nos. 05186, 05187. S. No. 1731.)

On March 20, 1929, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 boxes of loughorn cheese, and 2 boxes containing tins of cheese, remaining in the original unbroken packages at South Bend, Ind., alleging that the article had been shipped by H. H. Solie, from Stetsonville, Wis., on or about January 29, 1929, and transported from the State of Wisconsin into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Colby Style Full Cream American Cheese."

Adulteration was alleged for the reason that moisture and water in excessive amounts had been mixed and packed with and substituted in part for the proper solids of the said cheese. Adulteration was alleged for the further reason that milk fat, a valuable constituent, had been in part abstracted from the said article.

It was alleged in substance in the libel that the article was misbranded in that the statements on the label, "Colby Style Full Cream American Cheese," were false and misleading and deceived and misled the purchaser as to the quality of the said cheese, since it was not full cream cheese.

At the February term, 1930, of said court, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17230. Misbranding and alleged adulteration of butter. U. S. v. 8 Cases, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 24362. I. S. Nos. 010330, 010331. S. No. 2261.)

On July 18 and July 20, 1929, respectively, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 18 cases of butter, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by the Sunlight Produce Co. from Memphis, Tenn., on or about July 9, 1929, and transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding with respect to a portion thereof, and misbranding with respect to the remainder, in violation of the food and drugs act as amended. The article was labeled in part: (Retail packages) "1 Lb. Net Weight Quarters, the Cudahy Packing Company, Distributors, General Offices Chicago * * * Sunlight Creamery Butter [or "Monogram Creamery Butter"]."

Adulteration was alleged with respect to the Monogram butter for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be; and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of May (March) 4, 1923, which the article purported to be.

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than 1 pound of the said article. Misbranding was alleged with respect to the Monogram butter for the further reason that it was labeled "Butter," when it should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

On July 30, 1929, the Sunlight Produce Co., Memphis, Tenn., having appeared as claimant for the property, judgments were entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$500, conditioned in part that it be repacked in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17231. Adulteration of grapefruit and oranges. U. S. v. 360 Boxes of Grapefruit and 60 Boxes of Oranges. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 24675. I. S. Nos. 041310, 041311. S. No. 2988.)

On February 24, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 boxes of grapefruit and 60 boxes of oranges, remaining in the original unbroken packages at St. Joseph, Mo., alleging that the articles had been shipped by the Sprowl Fruit Co. from Mission, Tex., on or about February 3, 1930, and transported from the State of Texas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The articles were labeled in part: "Packed by Sprowl Fruit Company, Mission, Texas."

It was alleged in the libel that the articles were adulterated in that they consisted in whole or in part of decomposed vegetable substances.

On March 4, 1930, Hunt Bros. Fruit Co., St. Joseph, Mo., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree was entered finding the products adulterated, and it was ordered by the court that the said products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that they be salvaged under the supervision of this department and the decomposed and dry fruit destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17232. Adulteration of dressed chickens. U. S. v. 3 Barrels, et al., of Dressed Chickens. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24463, 24464. I. S. Nos. 033632, 033633. S. Nos. 2732, 2733.)

On January 22, 1930, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 4 barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped by the Harlan Produce Co. from Harlan, Iowa, in part on October 8, 1929, and in part on October 22, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance; in that it contained decomposed, emaciated, and tubercular birds; and in that it was the product of diseased animals.

On April 10, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17233. Misbranding of lemon snaps, vanilla snaps, peanut snaps, chocolate snaps, and cocoanut macaroon snaps. U. S. v. Roland P. Bishop, William T. Bishop, and Joseph O. Koefli (Bishop & Co.). Pleas of guilty. Fine, \$550. (F. & D. No. 22591. I. S. Nos. 17596-x, 17597-x, 17738-x, 17741-x, 17750-x, 22428-x, 22431-x, 22432-x, 22435-x, 22436-x, 22458-x.)

On January 10, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roland P. Bishop, William T. Bishop, and Joseph O. Koefli, copartners, trading as Bishop & Co., Los Angeles, Calif., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, on or about February 2, April 3, April 13, April 16, April 19, and May 7, 1928, respectively, from the State of California into the State of Arizona, of quantities of bakers' products which were misbranded. The articles were labeled in part: "Bishop's Lemon Snaps (or "Vanilla Snaps" or "Peanut Snaps" or "Chocolate Snaps" or "Cocoanut Macaroon Snaps") Bishop & Company Los Angeles California * * * Net Weight 3½ Oz."

It was alleged in the information that the articles were misbranded in that the statement, to wit, "Net Weight 3½ Oz.," borne on the packages containing the said articles, was false and misleading in that the said statement represented that the packages each contained 3½ ounces of the articles; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 3½ ounces of the articles, whereas the said packages did not each contain 3½ ounces of the articles, but did contain, in each of a number thereof, a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 18, 1930, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$550.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17234. Misbranding of cottonseed cake. U. S. v. 200 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24549. I. S. No. 033606. S. No. 2864.)

On or about February 20, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of cottonseed cake, remaining in the original unbroken packages at Trenton, Mo., alleging that the article had been shipped by the Graco Milling Co., Cairo, Ill., on or about February 14, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Protein not less than 43% * * * Choctaw Sales Company."

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Protein not less than 43%," was false and misleading and deceived and misled the purchaser.

On March 1, 1930, the Choctaw Sales Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the product, a decree was entered finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17235. Adulteration and misbranding of jellies. U. S. v. 29 Cases of Alleged Fruit Pectin and Apple Jelly, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23962. I. S. Nos. 08559, 08560, 08561, 08562. S. No. 2176.)

On August 19, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 75 cases of assorted jellies, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Lutz & Schramm Co., from Pittsburgh, Pa., in two lots, on or about February 13 and March 22, 1929, respectively, and transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Quakerlode Brand Lutz & Schramm Co. Pittsburgh, Pa. Fruit Pectin and Apple Jelly (or "Raspberry Jelly" or "Grape Jelly" or "Plum Jelly")." The labels of the apple jelly and plum jelly bore the further statement "With Added Fruit Acid."

It was alleged in the libel that the articles were adulterated in that a substance deficient in fruit juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for the articles. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were imitations of jellies and were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the statements, "Fruit Pectin and Apple Jelly," "Fruit Pectin and Raspberry Jelly," "Fruit Pectin and Grape Jelly," and "Fruit Pectin and Plum Jelly," as the case might be, borne on the respective labels, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the articles were jellies, whereas they were not but were compounds of pectin, sugar, and little, if any, fruit juice.

On March 28, 1930, the claimant having failed to appear and prosecute its defense, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17236. Adulteration of grapefruit. U. S. v. 348 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24546. I. S. No. 022592. S. No. 2869.)

On February 20, 1930 the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 348 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by Wade & Newton, alleging that the article had been shipped from Donna, Tex., on or about February 3, 1930, and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marsh Seedless Wade & Newton Brand Grapefruit * * * Packed and Shipped By Wade & Newton General Office San Benito, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 25, 1930, the Green Bros. Fruit & Produce Co., a Colorado corporation, having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding that the product was adulterated in that it consisted in

whole or in part of frost-damaged grapefruit that had been substituted in whole or in part for edible grapefruit, and in that a valuable constituent, juice, had been wholly or in part abstracted from the article. It was ordered by the court that the product be condemned and forfeited and that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act. It was further ordered by the court that the product be examined under the supervision of a representative of this department and all fruit found to be decomposed or frozen destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17237. Misbranding of tomato paste. U. S. v. 401 Cases, et al., of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24445. I. S. No. 017367. S. No. 2710.)

On January 16, 1930, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,047 cases of tomato paste, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by R. C. Boylan, from Laurel, Del., on or about December 10, 1929, and transported from the State of Delaware into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Samson Brand Tomato Paste * * * Packed expressly for Norma Packing Co., Youngstown, O." (Cut of red ripe tomato, with words "with color added" stamped inconspicuously thereon.)

It was alleged in the libel that the article was misbranded in that the words "with color added," appearing on the design of red ripe tomatoes on the can label, were so inconspicuously and obscurely placed thereon as not readily to inform the purchaser that the article was artificially colored, and by reason thereof the designation "Tomato Paste" was false and misleading when applied to a product artificially colored.

On February 18, 1930, R. C. Boylan, Youngstown, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17238. Adulteration of butter. U. S. v. Walter Hans Kruger (Bruce Creamery and Bruce Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 23767. I. S. No. 04520.)

On March 6, 1930, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter Hans Kruger, trading as Bruce Creamery and Bruce Creamery Co., Bruce, S. Dak., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 13, 1929, from the State of South Dakota into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On March 25, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17239. Adulteration of grapefruit. U. S. v. 247 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24538. I. S. No. 012057. S. No. 2849.)

On February 17, 1930, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 247 boxes of grapefruit, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by J. C. Bauer, from Alamo, Tex., on February 5, 1930, and transported from

the State of Texas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Richfield Brand Rio Grande Valley Grapefruit R. V. Dublin Co. McAllen, Texas."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 5, 1930, no claimant having appeared for the property, a default decree of condemnation, forfeiture, and destruction was entered, the said decree providing, however, that the marshal be authorized to salvage such fruit as was found usable and turn it over to some charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17240. Adulteration of canned pie peaches. U. S. v. 50 Cases of Canned Unpeeled Pie Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24099. I. S. No. 010476. S. No. 2342.)

On September 28, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of pie peaches, remaining in the original unbroken packages at Ferriday, La., alleging that the article had been shipped by the Evans Canning Co., from Fort Valley, Ga., about June 29, 1929, and transported from the State of Georgia into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Setter Brand Unpeeled Pie Peaches * * * Packed by Evans Canning Co. Fort Valley, Georgia."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal or vegetable substance.

On March 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17241. Adulteration of canned pie peaches. U. S. v. 96 Cases, et al., of Canned Pie Peaches. Default decrees of destruction entered. (F. & D. Nos. 24090, 24110, 24111, 24112. I. S. No. 010431. S. No. 2340.)

On September 28 and October 2, 1929, respectively, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 290 cases of canned pie peaches, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by Roberts Bros. (Inc.), from Fort Valley, Ga., on or about July 1, 1929, and transported from the State of Georgia into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Indian Hunter Brand Pie Peaches, * * * Distributed by Roberts Brothers, Inc., Main Office Baltimore, Md."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 26, 1930, no claimant having appeared for the property, judgments were entered finding the allegations of the libels true and correct, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17242. Adulteration and misbranding of canned tomatoes. U. S. v. 20 Cases, et al., of Canned Tomatoes. Product released under bond to be relabeled. (F. & D. Nos. 24200 to 24205, incl. I. S. No. 020378. S. No. 2430.)

On November 1, November 2, and November 4, 1929, respectively, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 403 cases of canned tomatoes, in various lots at Mobile, Atmore, and Brewton, Ala., alleging that the article had been shipped by the Dunbrooke Canning Co., from Dunbrooke, Va., on or about September 11, 1929, and transported from the State of Virginia into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mount Vernon Brand Tomatoes, * * * Distributors C. W. Baker & Sons, Aberdeen, Md."

It was alleged in the libels that the article was adulterated in that added water had been mixed and packed therewith and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes" and the design of a red ripe tomato borne on the label, were false and misleading and deceived and misled the purchaser when applied to an article containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, in that it was offered for sale as canned tomatoes, whereas it did not consist entirely of tomatoes, since it contained added water.

On May 8, 1930, C. W. Baker & Sons, Aberdeen, Md., claimant, having admitted the allegations of the libel and having executed a good and sufficient bond conditioned that the product be relabeled to meet the requirements of this department, a decree was entered ordering that upon inspection and approval of this department and payment of costs by the claimant, the product be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17243. Adulteration of canned pie peaches. U. S. v. 140 Cases of Canned Unpeeled Pie Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24091. I. S. No. 010472. S. No. 2344.)

On or about October 2, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 140 cases of canned pie peaches, remaining in the original unbroken packages at Monroe, La., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about July 16, 1929, and transported from the State of Georgia into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Jay Brand Unpeeled Pie Peaches * * * Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal or vegetable substance.

On March 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17244. Adulteration of canned pie peaches. U. S. v. 15 Cases of Canned Pie Peaches, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24106, 24107, 24108. I. S. No. 010475. S. No. 2343.)

On or about October 10, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 55 cases of canned pie peaches, remaining in the original unbroken packages, in various lots at Jonesville, La., Ferriday, La., and St. Joseph, La., respectively, alleging that the article had been shipped by the W. L. Houser Canning Co., from Fort Valley, Ga., on or about June 27, 1929, and had been transported from the State of Georgia into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Miona Brand Pie Peaches * * * Packed by W. L. Houser Canning Co. Fort Valley, Ga."

It was alleged in the libels that the article was adulterated in that worms and worm-eaten peaches were present therein and in that the article consisted in part of a filthy, decomposed, or putrid animal or vegetable substance.

On March 31, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17245. Misbranding of canned clams. U. S. v. 49 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24553. I. S. No. 018801. S. No. 2367.)

On or about February 21, 1930, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 49 cases of canned clams, remaining in the orig-

inal unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Bugge Canning Co., from Seattle, Wash., on or about January 3, 1930, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Tureen Brand Whole Clams Packed in Clam Nectar Packed by Bugge Canning Co., Sequim, Washington * * * Clam Meat 3 Lbs. 2 Oz."

It was alleged in the libel that the article was misbranded in that the statement, "Clam Meat 3 Lbs. 2 Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 28, 1930, the Jacobson-Shealy Co. (Inc), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17246. Misbranding of crab meat. U. S. v. 25 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24312. I. S. No. 025423. S. No. 2569.)

On December 4, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cans of crab meat, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by David Davis & Co., Brunswick, Ga., November 30, 1929, and transported from the State of Georgia into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents 1 Lb."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents 1 Lb.," was false and misleading and deceived and misled the purchaser, since the article was short weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 26, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17247. Adulteration of eggs. U. S. v. 6 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24671. I. S. No. 031026. S. No. 2956.)

On or about February 25, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cases of eggs at Chicago, Ill., alleging that the article had been shipped by B. Silverman, Dyersville, Iowa, on February 20, 1930, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 10, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17248. Adulteration of cooked bran, raisin bars, canned beans, and sugar rolled dates. U. S. v. N. Kohl Grocer Co. Plea of guilty. Fine, \$400 and costs. (F. & D. No. 22572. I. S. Nos. 19954-x, 19955-x, 19957-x, 19961-x.)

On September 11, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

the N. Kohl Grocer Co., a corporation, Quincy, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about November 5, 1927, from the State of Illinois into the State of Missouri, of quantities of cooked bran, raisin bars, canned beans, and sugar rolled dates which were adulterated.

It was alleged in the information that the articles were adulterated in that they consisted in whole and in part of filthy, decomposed, and putrid vegetable substances.

On April 7, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17249. Adulteration of grapefruit. U. S. v. 195 Boxes of Grapefruit. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24550. I. S. No. 014183. S. No. 2872.)

On February 19, 1930, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 195 boxes of grapefruit at Memphis, Tenn., alleging that the article had been shipped by the Falley (Valley) Fruit Co., Harlingen, Tex., on or about February 4, 1930, and transported from the State of Texas into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Texas Pride Valley Fruit Exchange, Harlingen, Texas Grapefruit."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance, since it had been damaged by frost.

On February 21, 1930, the Valley Fruit Exchange, Harlingen Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be salvaged under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17250. Adulteration and misbranding of honey. U. S. v. 29 Gallon-Sized Cans, et al., of Honey. Product released under bond to be relabeled. (F. & D. Nos. 24465, 24491. I. S. Nos. 025771 to 025775, incl. S. Nos. 2742, 2779.)

On or about January 20 and January 31, 1930, respectively, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 128 large cans and 20 small cans of honey, in part at Chickasha, Okla., and in part at Blanchard, Okla., alleging that the article had been shipped by Mary Lee Wallace in part from Laguna, Tex., and in part from Abilene, Tex., between the dates of November 26, 1929, and November 29, 1929, and transported from the State of Texas into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Extract 10 pounds Uvalde Honey Packed by Mary Lee Wallace, Uvalde County, Laguna, Texas." The remainder of the said article was labeled in part: "Extract 10 (or "5") pounds Uvalde Comb Honey (or "Uvalde Honey") Blended by Mary Lee Wallace of Uvalde County This honey is preserved to prevent granulation and to retain the natural flavor of new crop honey. It is therefore the best honey for commercial use on the market. Laguna Abilene Texas."

It was alleged in the libels that the article was adulterated in that a substance, sugar sirup, had been mixed and packed with and substituted in part for honey, which the said article purported to be.

Misbranding was alleged for the reason that the designation, honey, was false and misleading and deceived and misled the purchaser when applied to a mixture of honey and sugar sirup.

On April 21, 1930, Mary Lee Wallace, Abilene, Texas, claimant, having appeared as claimant for the property and having executed good and sufficient bonds for the release of the product in order that it might be properly relabeled under the law, decrees were entered ordering that the said product be released to the claimant to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17251-17275

[Approved by the Secretary of Agriculture, Washington, D. C., January 7, 1931]

17251. Misbranding of canned raspberries. U. S. v. 8 Cases of Canned Raspberries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24694. I. S. No. 015761. S. No. 3012.)

On March 28, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of canned raspberries, remaining in the original unbroken packages at Allentown, Pa., shipped by the W. N. Clark Co., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on or about October 12, 1929, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "W. N. Clark Co., * * * Cuthbert Red Raspberries, Contents 7 lbs. 8 oz., Fancy Quality."

It was alleged in the libel that the article was misbranded in that the statement on the can labels, "Contents 7 lbs. 8 oz.," was false and misleading and deceived and misled the purchaser, since the said cans contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On April 19, 1930, the W. N. Clark Co., Rochester, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17252. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24044. I. S. No. 011507. S. No. 2253.)

On August 24, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Charles Childs, from South Hope, Me., on August 22, 1929, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17253. Misbranding of canned tuna. U. S. v. Cohn-Hopkins (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 25007. I. S. No. 08309.)

On May 14, 1930, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cohn-Hopkins (Inc.), a corporation, San Diego, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about October 6, 1928, from the State of California into the State of Michigan, of a quantity of canned tuna which was misbranded. The article was labeled in part: "California Brand Flakes Salad Tuna Packed by Cohn-Hopkins, Inc. * * * San Diego, Calif. Contents 7 Oz."

It was alleged in the information that the article was misbranded in that the statement, to wit, "7 Oz.," borne on the label, was false and misleading in that the said statement represented that the cans of each contained 7 ounces of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser to believe that each of said cans contained 7 ounces of the article, whereas they did not, but did contain a less amount.

On May 17, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17254. Adulteration and misbranding of potatoes. U. S. v. 1 Carload of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23877. I. S. No. 06163. S. No. 2068.)

On or about July 10, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 carload of potatoes at Wichita, Kans., alleging that the article had been shipped by J. H. Kimball, from Wendell, Idaho, on or about June 27, 1929, and transported from the State of Idaho into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "U. S. No. 1 Selected Idaho Grown Potatoes."

It was alleged in the libel that the article was adulterated in that potatoes of lower grade than U. S. No. 1 had been mixed and packed therewith so as to reduce and lower its quality.

Misbranding was alleged for the reason that the statements "U. S. No. 1" and "Selected," borne on the label, were false and misleading and deceived and misled the purchaser.

On July 13, 1929, the National Brokerage Co., Wichita, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it would not be sold or offered for sale in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17255. Adulteration and misbranding of butter. U. S. v. 60 Tubs of Butter. Consent decree entered. Product ordered released under bond to be reprocessed. (F. & D. No. 24809. I. S. Nos. 028015, 028017. S. No. 3143.)

On May 14, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 tubs of butter at Elizabeth, N. J., alleging that the article had been shipped by the Universal Carloading & Distributing Co., from Savanna, Ill., on or about May 1, 1930, and transported from the State of Illinois into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Stenciled on tub) "L. F. Hersh & Bro. S. C. Universal Carloading & Dist. Co. Savanna, Illinois."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 21, 1930, L. F. Hersh & Bro., Elizabeth, N. J., having appeared as claimant for the property and having consented that a decree be entered condemning the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,800, conditioned in part that it be reworked and reprocessed to meet the requirements of the Federal food and drugs act, and all Federal and State laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17256. Adulteration and misbranding of butter. U. S. v. 25 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24823, 24824. I. S. Nos. 027753, 027755, 027757, 027758, 027759, 027760, 027762, 027763, 027764, 027666, 028004, 028005. S. Nos. 3070, 3094.)

On April 3 and April 10, 1930, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 176 tubs and 131 cases of butter at Jersey City, N. J., alleging that the article had been shipped by the Great Lakes Terminal Warehouse Co., Toledo, Ohio, on or about February 1, 1930, and transported from the State of Ohio into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "From Anna Creamery Co. * * * Anna, Ohio;" "Great Lakes Terminal Warehouse Co. of Toledo, Ohio;" "Well's Yellow Rose Creamery Butter From the Wells Creamery Co. Delphos, Ohio to Rock Island Butter Company * * * Toledo, Ohio."

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 7, 1930, Droste & Snyder (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$10,500, conditioned in part that it be reworked and reprocessed. On July 21, 1930, amended decrees were entered ordering that the product be renovated so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17257. Adulteration and misbranding of butter. U. S. v. 3 Cases, et al., of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24807, 24808. I. S. Nos. 027665, 027752. S. Nos. 3034, 3051.)

On March 24 and March 31, 1930, respectively, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 6 cases of butter, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., in two lots, on or about March 17 and March 19, 1930, respectively, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Clover Springs Creamery Butter One Pound Net * * * Paul A Schulze Company, St. Louis, Missouri."

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article under section 8 of the act, general paragraph and paragraphs 2, 3, and 4, in the case of food, in that the quality (quantity) of the contents was incorrectly stated on the package and in that it was labeled so as to deceive or mislead the purchaser by reason of false and misleading statements.

On April 23 and April 25, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17258. Adulteration of canned tuna fish. U. S. v. 13 Cases of Canned Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24424. I. S. No. 018430. S. No. 2682.)

On or about January 10, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 cases of canned tuna fish, remaining in the original unbroken packages at Denver, Colo., consigned by the Van Camp Sea Food Co., East San Pedro, Calif., alleging that the article had been shipped from San Pedro, Calif., on or about December 7, 1929, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Van Camp's Quality Tuna Light Meat Packed By Van Camp Sea Food Co., Inc."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 28, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17259. Adulteration of canned blueberries. U. S. v. 574 Cases of Canned Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24435. I. S. No. 030776. S. No. 2693.)

On January 13, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 574 cases of canned blueberries at Chicago, Ill., alleging that the article had been shipped by the Frye Realty Co., from Harrington, Me., September 7, 1929, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 29, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17260. Adulteration of canned tuna fish. U. S. v. 214½ Cases, et al., of Tuna Fish. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24440. I. S. Nos. 015221, 015222. S. No. 2706.)

On January 13, 1930, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 454½ cases of canned tuna fish, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Coast Fishing Co., from Wilmington, Calif., on or about October 11, 1929, and transported from the State of California into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Treasure Brand All Light Meat Tuna * * * Packed by Coast Fishing Company, Wilmington, Calif.," or "Coast Brand Tuna All Light Meat * * * California Tuna Packers, Coast Fishing Co., Wilmington, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 28, 1930, the Coast Fishing Co., Wilmington, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or disposed of until reconditioned to conform with the requirements of the Federal food and drugs act, and inspected and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17261. Adulteration and misbranding of olive oil. U. S. v. 1 Drum of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24727. I. S. No. 029177. S. No. 3072.)

On or about April 21, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 drum of olive oil at Newark, N. J., alleging that the article had been shipped by Economu & Ritsos, from New York, N. Y., on or about March 27, 1930, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Minerva Ltd. Silvana Brand Extra Superior Olive Oil Malaga Spain."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was falsely branded as to the country in which it was manufactured or produced, in that it purported to be a foreign product, whereas it was manufactured or produced within the United States. Misbranding was alleged for the further reason that the statement on the label, "Extra Superior Olive Oil, Malaga, Spain," was false and misleading and deceived and misled the purchaser, since the said article consisted largely of cottonseed oil and was produced in the United States. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 27, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17262. Misbranding of meat and bone scraps. U. S. v. 325 Bags of Meat and Bone Scraps. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22296. I. S. No. 21524-x. S. No. 348.)

On December 19, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 325 bags of meat and bone scraps at Townley, N. J., alleging that the article had been shipped by G. Weiss Sons (Inc.), Brooklyn, N. Y., on or about October 11, 1927, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Meat and Bone Scraps * * * Analysis Minimum Crude Protein 50% * * * Manufactured by G. Weiss' Sons, Inc. * * * Brooklyn, N. Y."

It was alleged in the libel that the article was misbranded in that the statements, "Meat and Bone Scraps * * * Minimum * * * Protein 50%," were false and misleading and deceived and misled the purchaser.

On December 31, 1927, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,275, conditioned in part that it be relabeled to show its protein content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17263. Adulteration and misbranding of walnuts. U. S. v. 97 Bags, et al., of Walnuts. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24336, 24337, 24338, 24339. I. S. Nos. 04590, 026730, 026731, 026733, 026734. S. Nos. 2580, 2581, 2587, 2589.)

On December 17, 1929, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 419 bags of walnuts in shell and 143 boxes of shelled walnuts at Chicago, Ill., alleging that the article had been shipped by Ernest E. Marks, from New York, N. Y., in various shipments on April 3, 1920, May 7, 1920, June 9, 1921, and June 30, 1922, respectively, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On May 20, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17264. Misbranding of cottonseed cake screenings. U. S. v. 100 Sacks of Cottonseed Cake Screenings. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 24221. I. S. No. 025309. S. No. 2476.)

On November 8, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed cake screenings, remaining in the original unbroken packages at Junction City, Kans., alleging that the article had been shipped by the International Vegetable Oil Co., from Dallas, Tex., on or about October 29, 1929, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Protein not less than 43%. Choctaw Sales Co., Kansas City, Mo. Choctaw Quality Cottonseed Cake and Meal."

It was alleged in the libel that the article was misbranded in that the statement, "Guaranteed Analysis Protein not less than 43%," borne on the label, was false and misleading, and misled the purchaser to believe that the article contained not less than 43 per cent of protein, whereas it contained a less amount.

On April 5, 1930, the International Vegetable Oil Co., Dallas, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the true protein content, to wit, 41 per cent of protein.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17265. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree entered. Product ordered released under bond to be reprocessed. (F. & D. No. 24674. I. S. No. 029024. S. No. 2987.)

On March 10, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter at Newark, N. J., alleging that the article had been shipped by the Armour Creameries from Mankato, Minn., on or about January 2, 1930, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 16, 1930, Armour & Co., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reprocessed to meet the requirements of the Federal food and drugs act, and all Federal and State laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17266. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree entered. Product ordered released under bond to be reprocessed. (F. & D. No. 24831. I. S. Nos. 027700, 027751. S. No. 3033.)

On March 24, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 tubs of butter at Newark, N. J., alleging that the article had been shipped by the St. Clair Cooperative Creamery Association,

from St. Clair, Minn., on or about June 18, 1929, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Stenciled on tub) "L. F. Hersh & Bro. S. C. Elizabeth, N. J."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 31, 1930, L. F. Hersh & Bro., Elizabeth, N. J., having appeared as claimant for the property and having consented that a decree be entered condemning the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned in part that it be reprocessed to meet the requirements of the Federal food and drugs act, and all Federal and State laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17267. Adulteration of canned tuna. U. S. v. 10 Cases of Canned Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24423. I. S. Nos. 019208, 019209. S. No. 2681.)

On January 8, 1930, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of canned tuna, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Halfhill Packing Corporation, from Wilmington, Calif., on or about December 12, 1929, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Halfhill's California Flaked Tuna Light Meat * * * Packed by Halfhill Pkg. Corp'n. Inc. Longbeach, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17268. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24534. I. S. No. 030752. S. No. 2837.)

On or about February 17, 1930, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed meal at Middleton, Wis., alleging that the article had been shipped by the Graco Milling Co., from Cairo, Ill., on February 4, 1930, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Graco 43 per cent protein Guaranteed analysis protein not less than 43 per cent Manufactured by Graco Milling Co., Sherman, Texas."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43 per cent protein," and "Protein not less than 43 per cent," were false and misleading, since the said article did not contain 43 per cent of protein.

On March 20, 1930, the Graco Milling Co., Cairo, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17269. Misbranding of biscuits and candy. U. S. v. 37 Dozen Packages of Biscuits, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 24730. I. S. Nos. 023640 to 023644, incl. S. No. 3080.)

On April 25, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 74 dozen packages of biscuits and 16 dozen packages of candy, remaining in the original unbroken packages at Denver, Colo., consigned by the Standard Biscuit Co., Des Moines, Iowa, alleging that the articles had been shipped from Des Moines, Iowa, in part on or about February 14, 1930, and in part on or about March 29, 1930, and had been transported from the State of Iowa into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. A portion of the said biscuits were labeled in part: (Shipping case) "Standard Biscuit Company. Sotastee Products, Etc. This package contains 24—2 pounds Butter Sodas Salted." The remainder of the said articles were labeled in part, variously: (Retail packages) "A Sotastee Product Honey Grahams Standard Biscuit Company, * * * Net Weight 2 Lbs.;" "S. B. C. Sodas * * * Standard Biscuit Company, Des Moines, Iowa. Net Weight 2 lbs. Salted.;" "S. B. C. Sodas * * * Standard Biscuit Company Des Moines, Iowa, 3 lbs.;" "Old-Fashioned Sotastee Maid Chocolates 1 pound net weight. Sotastee Made Studio."

It was alleged in the libel that the articles were misbranded in that the statements, "2 pounds," "Net Weight 2 lbs.," "3 lbs." and "1 pound Net Weight," as the case might be, borne on the labels of the products, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On April 28, 1930, the Standard Biscuit Co., Des Moines, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17270. Adulteration of frozen eggs. U. S. v. 20 Cans of Frozen Eggs. Consent decree entered. Product ordered released under bond to be salvaged. (F. & D. No. 24691. I. S. No. 028921. S. No. 3024.)

On March 27, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by Vilas & Co., Storm Lake, Iowa, on or about June 4, 1929, and transported from the State of Iowa into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 16, 1930, the Seaboard Terminal & Refrigeration Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented that judgment be entered condemning and forfeiting the product, a decree was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be salvaged, the good portion marked with a statement of the net weight, and the rejected portion denatured for nonfood use.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17271. Adulteration of frozen eggs. U. S. v. 341 Cans of Frozen Eggs. Consent decree entered. Product released under bond to be salvaged. (F. & D. No. 24693. I. S. No. 028922. S. No. 3025.)

On March 31, 1930, the United States attorney for the District of New Jersey acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 341 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by Naive Spillers (Inc.), Nashville, Tenn., on or about December 27, 1929, and transported from

the State of Tennessee into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a putrid animal substance.

On May 16, 1930, the Seaboard Terminal & Refrigeration Co., Jersey City, N. J., claimant, having admitted the allegations of the libel and having consented that judgment be entered condemning and forfeiting the product, a decree was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be salvaged, the good portion marked with a statement of the net weight, and the rejected portion denatured for nonfood use.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17272. Adulteration of grapefruit. U. S. v. 130 Boxes of Grapefruit. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24815. I. S. No. 012966. S. No. 3020.)

On February 20, 1930, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 130 boxes of grapefruit, remaining in the original unbroken packages at Junction City, Kans., alleging that the article had been shipped by Burkhart & Williams, from McAllen, Tex., on or about February 5, 1930, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was composed of filthy and decomposed vegetable matter.

On February 24, 1930, D. E. Bolman, Junction City, Kans., having entered an appearance and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17273. Adulteration of canned asparagus. U. S. v. 48 Cases of Canned Asparagus. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24487. I. S. No. 08103. S. No. 2775.)

On January 28, 1930, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 48 cases of canned asparagus, remaining in the original packages at Washington, D. C., alleging that the article had been shipped by Kemp, Day & Co., from New York, N. Y., on or about December 30, 1929, and transported from the State of New York into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Golden Rod Brand * * * Distributed by Kemp, Day & Co., New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 21, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17274. Adulteration of apples. U. S. v. 630 Baskets of Apples. Tried to the court and a jury. Verdict for the Government. Motion for new trial sustained. Decree of condemnation entered. (F. & D. No. 21338. I. S. No. 12526-x. S. No. C-3041.)

On or about October 23, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 630 baskets of apples at Hutchinson, Kans., alleging that the article had been shipped by F. L. Martin from Clifton, Colo., on or about October 15, 1926, and transported from the State of Colorado into the State of Kansas, and charging adulteration in violation of the food and drugs act. On December 7, 1926, an amendment to the said libel was filed.

It was alleged in the libel, as amended, that the article was adulterated in that it contained an added poisonous ingredient, to wit, a compound of arsenic and lead, which might have rendered it injurious to health.

On March 21, 1927. F. L. Martin, Hutchinson, Kans., having appeared as claimant for the property and having filed an answer to the libel denying the adulteration of the product, the case came on for trial before the court and a jury. The defendant and the Government introduced testimony, and counsel presented arguments to the court. The court summed up the case with the following charge to the jury (Pollock, J.):

"Gentlemen of the Jury: This case has now proceeded to that point at which it becomes the duty of the court to charge you as to the law that will govern you upon your deliberations upon a verdict in this case. You understand, in our courts of justice in this country, where matters are heard and determined as this case is being tried, the responsibility for the due and proper administration of justice under the law is equally divided between the two bodies. While that responsibility is equal, it is different in kind. It is the duty of the court to declare the law and the duty of the jury to take the law precisely as declared by the court, and the jury does and must trust the court to correctly declare the law. If any mistake is made in a matter of law, that is the mistake of the court for which the jury is not responsible. On the other hand, the jury and the jury alone is the sole judge of the weight of the evidence, the credibility of the witnesses and what facts are proven in the trial of the case from the evidence that is offered and received in evidence. And, so long as in our courts of justice, the jury takes the law as declared by the court, and takes and finds the true facts in the case and unite the same in their verdict returned, just so long do we have a proper administration of justice under the law.

"Again, it is the duty of the court to define the issue or issues in a case being tried. By that I mean to state so clearly that no juror can fail to understand precisely what it is that is to be determined by the verdict when rendered in the case. Now, what is this case? The Government here is proceeding under what is known as the pure food and drug act enacted by the Congress of the United States, and enacted, like so many laws are, in pursuance of what is known as the Commerce Clause of our Constitution. That is, Congress has taken to itself, or, was really given by the States in constitutional convention the power to regulate commerce among the States and with the Indian tribes. Now the Government contends in this case that the defendant, Judge Martin, shipped from Colorado a certain carload of apples which he had raised out there in his orchard, in interstate commerce into Kansas from the State of Colorado, and that these apples had been by addition thereto of arsenic [arsenate] of lead, I understand a poison, that these apples had been adulterated in such manner that they might be deleterious to human health if consumed as food. Now this proceeding is what is known under the pure food and drugs law as a libel. Suit is brought for the purpose of determining whether these apples shall be condemned and destroyed as a food product.

"It is under section 10 of this act, as follows: That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any District Court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation.' And that is what we will inquire into here. These apples were found in the jurisdiction of this court and by the Government were libeled for the purpose of having them condemned. Now, the object and purpose of Congress in the enactment of this pure food and drugs act was the preservation of the health of people, and a very right kind of an act. The defendant in this case admits that he raised these apples in the State of Colorado; that in that climate the apple trees—bearing trees—must be sprayed with some poisonous solution in order that apples may be grown that are fit for use at all. He admits that he did use the material, a liquid compound that is used in that section of the country, sold and used for the purpose of bringing these apples on the trees to maturity, and that he did after these apples had matured on the trees, up until picking time, that he picked them, caused them to be picked, and shipped them to himself in Hutchinson, Kans., to his warehouse there, and he contends that at that time they were not ready for use as apples. That those apples which he did ship for use or sale that he caused them to be

wiped or washed, washing all possible part of this poisonous solution of arsenate of lead off of them so there could be no question in that regard. Now, you will note that the section under which we are proceeding here conditions that these shipments made in interstate commerce shall be for sale, and if there was sufficient poisonous material upon these apples when they were shipped in interstate commerce that it might become deleterious to human health in eating them, if they were shipped for sale or by the shipper intended for sale, or offered for sale, then they ought to be condemned and destroyed. However, there is a provision in regard to this act which has just as much application as the part which I have quoted, and that is what this adulteration is.

"Section 7 of the act provides: That for the purposes of this act an article shall be deemed to be adulterated: In case of drugs so and so; this is not drugs, not have to read that. In the case of confectionery, candy and so on, this has nothing to do with that; but in the case of food. First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Second. If any substance has been substituted wholly or in part for the article. Third. If any valuable constituent of the article has been wholly or in part abstracted. Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed. Evidently it was not under those. But it is, I suppose, the Government proceeding on the idea it was adulterated as provided in the fifth. Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: Provided, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

"Now, it is the contention of Judge Martin, while admitting the spraying of these trees with this arsenate of lead, and the statement, that he was not shipping these apples to market, that they were not ready for food; but his contention is that he was shipping them to his own warehouse and to be there kept until they reached that condition when they could be put upon the market for food, and at which time the law, as he says, would apply, but they were not at this time ready for food as an edible.

"This is a very practical world. We have to live a practical life. And amidst all of these numerous regulations we have to still live a practical life. If Judge Martin did anything in this case with these apples whereby the health of individuals might be deleteriously affected, then the apples ought to be condemned. But, while these apples were handled in interstate commerce, if they were so treated not as a food product or not with any intent of offering as a food product, if he kept them under his control so they could not go into the hands of others to be used, and affect them injuriously, then he had a right to deal with them in that practical way. For, suppose the Government should admit here that the purpose of shipping them—not only in interstate commerce—that they not only were shipped in that manner but suppose he were shipping them to feed his hogs; it was not hogs the Government was looking after when it enacted this law and the Government wouldn't have any concern whether they were good for individuals or not if they are shipped to and fed hogs, that would be the individual's business and not the Government's. But if anything is the matter, if it was not in good faith intended that these were not ready for the market and should not go on the market, then you would find the defendant guilty, if you believe the amount of poisonous products added in this case was deleterious to human health. So that is the way I am going to leave that question to you in this case, of which fact you are the sole and exclusive judges. You will take the matter and determine it in the light of the law as I have given it to you."

Mr. McFARLAND: "Your Honor, I would like to make one correction; I think the jury probably gets the wrong interpretation; as I understand, Judge Martin is not the defendant, but the claimant of the apples."

The COURT: "That is true; for all purposes he is the owner of the apples. This is a proceeding against the apples themselves. There is, I may say, a criminal provision of this law under which if the Government is correct, defendant Martin might have been prosecuted and punished as a criminal, but that is not relied on in this case."

Mr. McFARLAND: "I would like to save an exception on the instruction, if they were so treated as a food product and remained in the hands of Judge Martin, he would have the right to deal with them in a practical way. And I would like to request your Honor to give the instruction No. 10 mentioned in my request here."

The COURT: "I forgot to mention, there have been some requests to charge, but I have embodied what I deem to be the law in what I have given, and therefore have refused the requests made."

Mr. McFARLAND: "Your Honor refuses our requests in toto?"

The COURT. "Yes."

Mr. McFARLAND: "I want to save an exception on that. I think it should be shown to the jury in the event they do find these apples are adulterated, there is a proceeding where——"

The COURT: "The question now is, whether we are going to condemn the apples because adulterated and injurious to human health."

Mr. McFARLAND: "I thought Your Honor's instruction they might be destroyed might be prejudicial. I would like to save an exception on that."

On March 22, 1927, the jury returned a verdict finding that the apples were adulterated as alleged in the libel of information. The claimant thereupon filed motions for judgment notwithstanding the verdict and for a new trial. On January 31, 1928, the court overruled the motion for judgment notwithstanding the verdict and sustained the motion for a new trial. The case, however, was not retried.

On April 25, 1930, final decree was entered adjudging the product adulterated as alleged in the libel and ordering that it be condemned without costs to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17275. Supplement to Notice of Judgment No. 15735. Contempt proceedings in re U. S. v. 40 Barrels, et al., of Adulterated and Misbranded Buttermilk. Plea of guilty. Fine, \$250. (F. & D. Nos. 22672, 22694. I. S. Nos. 17428-x, 17433-x. S. Nos. 705, 727.)

In January, 1930, actions were instituted by the United States attorney in the United States District Court for the District of Oregon, to forfeit the bonds executed by the Lactein Co., San Francisco, Calif., and the American Surety Co., New York, N. Y., to secure release of 43 barrels, 27 half barrels, fifty-five 10-gallon kegs and eighty-two 5-gallon kegs of super solid buttermilk, seized under libel proceedings instituted March 29, 1928, and April 5, 1928, for violation of the Federal food and drugs act.

The terms of the decrees entered in the cases on April 28, 1928, provided for release of the product upon the execution of bonds, conditioned that it should not be sold or disposed of until relabeled and reconditioned in a manner satisfactory to this department.

Subsequent to the entry of the said decrees 7 kegs of the released product, which had not been relabeled in accordance with the terms of the bonds, were sold to firms in Albany, Oreg. The Lactein Co. and the American Surety Co. were thereupon cited to show cause why the bonds should not be forfeited. On April 14, 1930, the date set for hearing, the actions on the bonds were dismissed. The Lactein Co. entered a plea of guilty to contempt of court and was fined \$250.

ARTHUR M. HYDE, *Secretary of Agriculture.*

NOTICES OF JUDGMENT 17251-17275

	N. J. No.	Feed—	N. J. No.
Apples:		cottonseed cake screenings:	
Martin, F. L.-----	17274	International Vegetable Oil	
Asparagus, canned:		Co-----	17264
Kemp, Day & Co.-----	17273	meal:	
Biscuits:		Graco Milling Co.-----	17268
Standard Biscuit Co.-----	17269	meat and bone scraps:	
Blueberries:		Weiss, G., Sons (Inc.)-----	17262
Childs, Charles-----	17252	Fish—	
canned:		tuna, canned:	
Frye Realty Co.-----	17259	Coast Fishing Co.-----	17260
Butter:		Cohn-Hopkins (Inc.)-----	17253
Armour Creameries-----	17265	Halfhill Packing Corpora-	
Great Lakes Terminal Ware-		tion-----	17267
house Co.-----	17256	Van Camp Sea Food Co.-----	17258
Schulze, Paul A., Co.-----	17257	Grapefruit:	
St. Clair Cooperative Cream-		Burkhart & Williams-----	17272
ery Assoc-----	17266	Meat and bone scraps. <i>See</i> Feed.	
Universal Carloading & Dis-		Nuts—	
tributing Co.-----	17255	walnuts:	
Buttermilk:		Marks, E. E.-----	17263
American Surety Co.-----	17275	Olive oil:	
Lactein Co.-----	17275	Economu & Ritsos-----	17261
Candy:		Potatoes:	
Standard Biscuit Co.-----	17269	Kimball, J. H.-----	17254
Cottonseed cake screenings. <i>See</i> Feed		Raspberries, canned:	
meal. <i>See</i> Feed.		Clark, W. N., Co.-----	17251
Eggs, frozen:		Tuna fish. <i>See</i> Fish.	
Spillers, Naive (Inc.)-----	17271	Walnuts. <i>See</i> Nuts.	
Vilas & Co.-----	17270		

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17276-17300

[Approved by the Secretary of Agriculture, Washington, D. C., January 7, 1931]

17276. Misbranding of scallops. U. S. v. 14 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24847. I. S. No. 027307. S. No. 2904.)

On February 21, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the D. & H. Transportation Co., New York, N. Y., on or about February 19, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On March 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal,

ARTHUR M. HYDE, *Secretary of Agriculture*.

17277. Adulteration of shell eggs. U. S. v. 7 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24802. I. S. No. 015775. S. No. 3054.)

On March 31, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 cases of shell eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Bristol Chick Hatchery, Bristol, Va., alleging that the article had been shipped from Bristol, Va., on or about March 27, 1930, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted, in whole or in part, of a filthy, decomposed, or putrid animal substance.

On April 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

17278. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24817. I. S. No. 027579. S. No. 2927.)

On February 25, 1930, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Gallagher

Bros. (Inc.), Chicago, Ill., on or about August 16, 1929, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 18, 1930, Droste & Snyder (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17279. Adulteration of grapefruit. U. S. v. 348 Boxes, et al., of Grapefruit. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 24684, 24685. I. S. Nos. 022595, 022596, S. Nos. 2901, 2902.)

On February 20, 1930, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 738 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by White & Lawler (Inc.), La Feria, Tex., alleging that the article had been shipped from La Feria, Tex., in part on or about February 10, 1930, and in part on or about February 12, 1930, and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance. Adulteration was alleged for the further reason that the article consisted in whole or in part of frost-damaged grapefruit that had been substituted in whole or in part for edible grapefruit which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, juice, had been wholly or in part abstracted.

On April 23, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal, under the supervision of this department, sell such portion of the fruit as was fit for sale and destroy the remainder.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17280. Adulteration and misbranding of butter. U. S. v. 4 Boxes, et al., of Butter. Default decrees of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. Nos. 24821, 24822, 24845. I. S. Nos. 027663, 027765, 028001. S. Nos. 3050, 3064, 3081.)

On March 31, April 7, and April 15, 1930, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 8 boxes and 5 cases of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paul A. Schulze & Co., St. Louis, Mo., in various consignments, on or about March 17, March 24, and April 2, 1930, respectively, and had been transported from the State of Missouri into the State of New York, and charging adulteration and misbranding with respect to a portion thereof, and misbranding with respect to the remainder in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Blue Ribbon Creamery Butter * * * David W. Lewis & Company New York * * * One Pound Net."

Adulteration was alleged in the libel filed with respect to 5 cases of the product for the reason that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged with respect to the product in the said 5 cases for the reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the remaining 8 boxes of the

product for the reason that it was labeled or branded so as to deceive or mislead the purchaser by the following false or misleading statements: "One Pound Net David W. Lewis & Company, New York;" and for the further reason that the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On May 15, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to charitable institutions.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17281. Adulteration and misbranding of butter. U. S. v. 14 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24682, 24812, 24813. I. S. Nos. 027584, 027595, 027662. S. Nos. 2963, 3018, 3044.)

On or about March 6, March 20, and March 28, 1930, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 75 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in part by the J. A. Long Co., and in part by the John A. Long Co., Union City, Ind., in various consignments, on or about February 20, March 17, and March 20, 1930, respectively, and had been transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 25, and April 8, 1930, respectively, the J. A. Long Co., Union City, Ind., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,700, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17282. Adulteration of canned salmon. U. S. v. 26 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24303. I. S. No. 018062. S. No. 2561.)

On December 3, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 cases of canned salmon, remaining in the original, unbroken packages at Astoria, Oreg., alleging that the article had been shipped by the Pioneer Packing Co., Ilwaco, Wash., in part on or about September 2, 1929, and in part on or about September 4, 1929, and transported from the State of Washington to the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17283. Misbranding of canned spinach. U. S. v. 11 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24467. I. S. No. 015209. S. No. 2731.)

On January 21, 1930, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cases of canned spinach, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the W. N. Clark Co., Rochester, N. Y., on or about October 4, 1929, and had been transported from the State of New York into the State of Maryland, and

charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Garden Spinach * * * Contents 1 lb. 4 oz., W. N. Clark Co., * * * Rochester, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 1 lb. 4 oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct.

On June 6, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17284. Misbranding of linseed meal. U. S. v. 131 Bags of Linseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24732. I. S. Nos. 028306, 028329. S. No. 3079.)

On April 24, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 131 bags of linseed meal, remaining in the original unbroken packages at Millville, N. J., alleging that the article had been shipped by the Consolidated By-Product Co., Philadelphia, Pa., in part on or about March 20, 1930, and in part on or about April 11, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Linseed Meal Guaranteed Analysis Protein 34% Min * * * Manufactured by Consolidated By-Product Co."

It was alleged in the libel that the article was misbranded in that the statement "Guaranteed Analysis Protein 34% Min," borne on the tags attached to the sacks containing the article, was false and misleading and deceived and misled the purchaser when applied to an article containing a less amount of protein.

On May 29, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17285. Adulteration of shell eggs. U. S. v. 10 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24805. I. S. No. 028265. S. No. 3052.)

On March 31, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of shell eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Riverside Poultry Farm, and alleging that the article had been shipped from Grottoes, Va., on or about March 28, 1930, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 19, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17286. Adulteration of shell eggs. U. S. v. 5 Crates, et al., of Shell Eggs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24797, 24803. I. S. Nos. 028177, 028266. S. Nos. 3063, 3053.)

On April 1, 1930 and April 5, 1930, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 crates and 5 cases of shell eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Elgrove Farms, alleging that the article had been shipped in part from Newfield, N. J., on or about April 3, 1930, and in part from Vineland, N. J., on or about March 31, 1930, and transported from the State of New Jersey into the

State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Elgrove Farms, Newfield, N. J."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 19, and April 26, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17287. Adulteration of shell eggs. U. S. v. 13 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24801. I. S. No. 028263. S. No. 3037.)

On March 26, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 cases of shell eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Niagara Poultry Farm, alleging that the article had been shipped from Ransomville, N. Y., on or about March 19, 1930, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 19, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17288. Adulteration of shell eggs. U. S. v. 70 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24806. I. S. No. 028264. S. No. 3043.)

On March 27, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 70 cases of shell eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Kerr Chickeries (Inc.), alleging that the article had been shipped from Frenchtown, N. J., on or about March 26, 1930, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 14, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17289. Adulteration of shell eggs. U. S. v. 3 Cases, et al., of Shell Eggs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24799, 24800. I. S. Nos. 030212, 028150. S. Nos. 2917, 2958.)

On February 25, 1930 and February 28, 1930, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 cases of shell eggs, remaining in the original unbroken packages at West Chester, Pa., consigned by J. E. Blosser, alleging that the article had been shipped from Harrisonburg, Va., in part on or about February 19, 1930, and in part on or about February 26, 1930, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "J. E. Blosser, Dayton, Va."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 18, and March 31, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17290. Adulteration of shell eggs. U. S. v. 1 Case of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24798. I. S. No. 030211. S. No. 2916.)

On February 25, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 case of shell eggs, remaining in the original unbroken package at West Chester, Pa., consigned by the Thompson Hatchery (Inc.), alleging that the article had been shipped from Harrisonburg, Va., on or about February 22, 1930, and transported from the State of Virginia into the State of Pennsylvania and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Thompson Hatchery Inc. Harrisonburg, Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 18, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17291. Adulteration of shell eggs. U. S. v. 7 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24804. I. S. No. 028107. S. No. 3053.)

On March 31, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 cases of shell eggs, remaining in the original unbroken packages at West Chester, Pa., consigned by Eley's Hatchery, alleging that the article had been shipped from Ingleside, Md., on or about March 28, 1930, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Eley's Hatchery, Ingleside, Maryland."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 19, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17292. Adulteration and misbranding of butter. U. S. v. 53 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24811. I. S. No. 027696. S. No. 3007.)

On March 15, 1930, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 53 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Whelan Produce Co., Elma, Iowa, on or about March 13, 1930, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 19, 1930, the Whelan Produce Co., Elma, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,600, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17293. Adulteration and misbranding of butter. U. S. v. 45 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24816. I. S. No. 027654. S. No. 3019.)

On March 20, 1930, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 cases of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Paul A. Schulze Co., St. Louis, Mo., on or before March 12, 1930, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 3, 1930, the Paul A. Schulze Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17294. Adulteration of turnip greens. U. S. v. 9 Cases, et al., of Turnip Greens. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24542, 24543. I. S. Nos. 030493, 030492. S. Nos. 2852, 2853.)

On February 17, 1930, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 18 cases of canned turnip greens, remaining in the original unbroken packages at Orlando, Fla., alleging that the article had been shipped by Y. S. B. Gray & Son, Griffin, Ga., in part on or about November 21, 1929, and in part on or about December 28, 1929, and transported from the State of Georgia into the State of Florida, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 17, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17295. Adulteration of filberts. U. S. v. 35 Bags of Filberts. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24310. I. S. No. 017288. S. No. 2523.)

On December 4, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 bags of filberts, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Higgins & James from New York, N. Y., on or about October 19, 1929, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "D. Spain Filberts Selected * * * Juan Montserrat Reus Spain."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

In April 1930, T. M. Duche & Sons, New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or disposed of until reconditioned to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17296. Adulteration of canned cherries. U. S. v. Gervas Canning Co. Plea of guilty. Fine, \$50. (F. & D. No. 22526. I. S. Nos. 13888-x, 13893-x, 13894-x, 13895-x, 13896-x.)

On January 23, 1928, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gervas Canning Co., a corporation, Fredonia, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about August 16, 1926, from the State of New York into the State of Ohio, of a quantity of canned cherries which were adulterated. The article was labeled in part: "Gervas Brand * * * Red Sour Cherries Packed by Gervas Canning Co., Fredonia, N. Y."

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances.

On May 29, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17297. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24820. I. S. No. 028012. S. No. 3113.)

On May 2, 1930, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the St. Clair Cooperative Creamery Association, St. Clair, Minn., from Savanna, Ill., on or about April 24, 1930, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 7, 1930, the St. Clair Cooperative Creamery Co., St. Clair, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17298. Adulteration of evaporated apples. U. S. v. E. Benjamin Holton. Plea of guilty. Fine, \$25. (F. & D. No. 19720. I. S. Nos. 12681-v, 13600-v, 13900-v, 13927-v, 13928-v, 14228-v, 16382-v, 16383-v.)

On May 24, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. Benjamin Holton, Webster, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about November 25, 1924, and January 15 and January 17, 1925, from the State of New York into the States of Maryland, Connecticut, Massachusetts, and North Carolina, respectively, of quantities of evaporated apples, which were adulterated. The article was labeled in part: "Daisie Brand [or "Holton Brand"] * * * Wood Dried Evaporated Ring Apples Packed by E. B. Holton, Webster, N. Y."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and in that excessive water had been substituted in part for evaporated apples, which the article purported to be.

On May 28, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17299. Misbranding of beef scrap. U. S. v. 7 Bags of Ground Beef Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24715. I. S. No. 011078. S. No. 3061.)

On April 10, 1930, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel praying seizure and condemnation of 7 bags of ground beef scrap, remaining in the original unbroken packages at Preston, Md., alleging that the article had been shipped by the Enterprise Tallow & Grease Co., from Philadelphia, Pa., on or about January 15, 1930, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Enterprise's Del-Mar-Va Ground Beef Scrap * * * Protein (Min.) 55%, * * * Manufactured by Enterprise Tallow & Grease Co., Philadelphia, Pa."

It was alleged in the libel that the article was misbranded in that the statement appearing on the label, "Ground Beef Scrap * * * Protein 55%," was false and misleading and deceived and misled the purchaser.

On June 9, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17300. Misbranding of horse and mule feed. U. S. v. 19 Bags of Do-Mor 65 Horse and Mule Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24570. I. S. No. 042126. S. No. 2876.)

On February 25, 1930, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 bags of horse and mule feed, remaining in the original unbroken packages at Charlotte, N. C., alleging that the article had been shipped by the Always-A-Head Mills (Inc.), East St. Louis, Ill., on or about January 28, 1930, and had been transported from the State of Illinois into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Do-Mor 65 Horse and Mule Feed Made by Always-A-Head Mills, Inc., East St. Louis, Ills. Guaranteed Analysis Crude Protein, not less than 9.00 Per Cent."

It was alleged in the libel that the article was misbranded in that the statement "Guaranteed Analysis Crude Protein, not less than 9.00 Per Cent," borne on the tags attached to the bags containing the article, was false and misleading and deceived and misled the purchaser when applied to an article containing a less amount of protein.

On May 15, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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★ FEB 1931
U. S. DEPARTMENT OF AGRICULTURE

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17301—17325

[Approved by the Secretary of Agriculture, Washington, D. C., January 19, 1931]

17301. Adulteration and misbranding of Torb. U. S. v. 30 Gross of Torb. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24523. I. S. No. 015729. S. No. 2794.)

On April 30, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 gross of a drug product known as Torb, remaining in the original unbroken packages at Allentown, Pa., consigned by the Crystal Chemical Co., New York N. Y., alleging that the article had been shipped from New York, N. Y., on or about November 12, 1929, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base, mineral matter such as clay, and a small amount of boric acid. Torbernite was not found.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (carton, label, and accompanying circular) "Contains the Rare Radium Mineral Torbernite."

Misbranding was alleged for the reason that the statement on the said label, carton, and circular, "Contains the Rare Radium Mineral Torbernite," was misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were misleading, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "Heals * * * Directions * * * Apply freely * * * for pains and congestion * * * Healing * * * Subdues Inflammation, Relieves Pain and Congestion. Torb is indicated in the treatment of skin disturbances, chronic ulcers * * * swollen glands, etc. It is also employed in the reduction of pains and swellings accompanying rheumatic and gouty conditions, etc.," (carton) "Heals * * * for Pains and congestion, apply * * * Torb * * * Healing * * * Subdues Inflammation, Relieves Pain and Congestion. Torb is indicated in the treatment of skin disturbances, chronic ulcers, * * * swollen glands, etc. It is also employed in the reduction of pains and swellings accompanying rheumatic and gouty conditions, etc.;" (circular) "Skin trouble * * * swollen glands * * * boils, inflammation * * * For the Relief of Piles * * * Bronchitis, Pleurisy, Pneumonia, Tonsillitis, Quinsy, Sore Throat, Mumps. Torb * * * In cases of pneumonia and pleurisy Torb should be applied. * * * Swollen Joints, Rheumatic Pains and Swellings, Osteitis. Place a thick coating of Torb around

the affected parts * * * Swollen Glands, Goitre * * * Cover parts with a coating of Torb * * * Torb * * * for Congestion, Inflammation and Irritation. * * * Its healing * * * Torb, now offered to the general public, * * * in the treatment of skin affections, such as eczema, etc., sores, * * * painful inflammations * * * it affords * * * speedy healing * * * Torb is successfully employed * * * in the treatment and relief of Skin Troubles, Chronic Ulcers, Sores, Felons, Erysipelas * * * Osteitis * * * Swollen Joints, Swollen Glands, Boils * * * Bronchitis, Pleurisy, Pneumonia, Tonsilitis—Quinsy, Sore Throat, * * * Rheumatic and Gouty Pains and swellings, * * * Ulcers and Sores * * * Skin Troubles—Acne or Pimples, Eczema, Felons, Ichthyosis * * * Psoriasis, Ring Worm, Scabies (Itch) Sycoſis * * * Alopecia or Baldness * * * Abscesses, Boils and Felons, Apply Torb Thick * * * Erysipelas." Note.—The charge recommended by this department, relative to the above-quoted curative and therapeutic claims, was that they were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 30, 1930, Torb (Inc.), Allentown, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17302. Adulteration and misbranding of spirits camphor. U. S. v. Theophilus O. Williams (Southern Chemical Co.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 23766. I. S. Nos. 03332, 03982.)

On April 2, 1930, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theophilus O. Williams, trading as the Southern Chemical Co., Petersburg, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about May 13, 1929, from the State of Virginia into the State of Florida, and on or about May 31, 1929, from the State of Virginia into the State of West Virginia, of quantities of spirits camphor, which was adulterated and misbranded. The article was contained in bottles inclosed in cartons and was labeled in part: (Carton and bottle) "Spartan Brand * * * Manufactured By Southern Chemical Co., Petersburg, Va.;" (carton) "Pure Spt. Camphor U. S. P.;" (bottle) "Pure Spirits Camphor U. S. P."

It was alleged in the information that the articles were adulterated in that they were sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength and quality as determined by the test laid down in said pharmacopœia official at the time of investigation, in that they contained not more than 8.81 grams and 9.0 grams of camphor per 100 cubic centimeters, whereas said pharmacopœia provided that the articles contain not less than 9.5 grams of camphor per 100 cubic centimeters; and the article failed to bear on the containers a statement of its own standard of strength and quality.

Misbranding was alleged for the reason that the statement, to wit, "Spt. Camphor, U. S. P.," borne on the cartons, and the statement, "Spirits Camphor U. S. P." borne on the bottles, were false and misleading in that the said statements represented that the article was camphor, as defined in the United States Pharmacopœia, whereas it was not, since it contained less than 9.5 grams of camphor per 100 cubic centimeters of the article.

On April 7, 1930, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17303. Misbranding of Nozol. U. S. v. 240 Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24501. I. S. No. 029567. S. No. 2800.)

On February 6, 1930, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 240 bottles of Nozol, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Nozol Co. (Inc.), Pittsburgh, Pa., on or about February 25, 1929, and had been

transported from the State of Pennsylvania into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small amounts of camphor, menthol, and oil of peppermint.

It was alleged in the libel that the article was misbranded in that the statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Keeps the nose * * * healthy;" (circular) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth—the fact that they can not be readily seen results in many people neglecting them. Nozol is to-day recognized by physicians, hospitals, and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol * * * healing * * * the infected parts and helping to stop further spread of the infection. * * * permits sufficient time for therapeutic action. * * * Nozol * * * is an effective agent in combating sinus trouble * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing, * * * qualities of Nozol will greatly aid nature in correcting this catarrhal condition. * * * Nozol for Hay Fever * * * Thousands to-day are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol, when used in time, spreads over the tissues, preventing the pollen from attacking the lining. Nozol for Sinus Trouble. * * * It is estimated that * * * people in America are troubled with sinus infection of varying degrees. Sinus trouble * * * is indicated by frequent headaches, drippings of mucus into the throat, stoppage of the nasal passages and soreness and tenderness beneath the eye and over the cheekbone. If nature is allowed free rein, it can usually correct this condition. Nozol Most Effective Preparation for Sinus Trouble. By using Nozol regularly the nasal passages are kept clear and clean and proper drainage of the sinus allowed. Use frequently—three or four times a day if convenient, and shortly, the most stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble. * * * People having trouble breathing while sleeping, and this is also true in case of children, can overcome this condition by clearing out the passages with Nozol;" (display card) "Nozol Relieves Sinus Trouble * * * Makes Breathing Easy * * * recommended by Specialists for * * * Hay Fever, General Nose Troubles. Use Nozol for Sinus Trouble * * * Sinus Trouble Relieved with Nozol. * * * Nozol (Nose All)."

On May 5, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17304. Adulteration and alleged misbranding of ether. U. S. v. Sixty-five 1-Pound Cans, et al., of Ether. Default decrees of condemnation and forfeiture. Product released for technical use. (F. & D. No. 24088. I. S. Nos. 07164, 07165. S. No. 2354.)

On September 28, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of eighty-two 1-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the J. T. Baker Chemical

Co., Phillipsburg, N. J., alleging that the article had been shipped from Phillipsburg, N. J., in two consignments, on or about January 18, 1929, and April 11, 1929, respectively, and transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide and excessive residue.

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of purity as specified by that authority.

Misbranding was alleged for the reason that the following statements appearing in the labeling, "Ether Purified US PX," with respect to a portion of the product, and "Ether Purified for Anesthesia US PX," with respect to the remainder, were false and misleading.

On February 12, 1930, no claimant having appeared for the property, judgments were entered finding the product adulterated, and it was ordered by the court that the said product be delivered to Government agencies for official and technical use and particularly that it must not be used for anaesthesia.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17305. Adulteration and misbranding of mineral water. U. S. v. 240 Cases, et al., of Mineral Water. Decree of condemnation and forfeiture. Water ordered destroyed and containers delivered to shipper.
(F. & D. No. 23882. I. S. No. 07674. S. No. 2082.)

On July 18, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 240 cases, each containing eight ½-gallon bottles, and 239 crates containing 5-gallon bottles of Chumuckla mineral water, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Chumuckla Springs Co., Pensacola, Fla., on or about June 16, 1929, and transported from the State of Florida into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, considered as a food, in that it consisted in whole or in part of a filthy and putrid animal and vegetable substance.

Misbranding of the article, considered as a food, was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding of the article, considered as a drug, was alleged for the reason that the following statements on the bottle label and shipping box, regarding the curative and therapeutic effects of the said article, (bottle label) "Nature's greatest gift to suffering humanity * * * from Florida's fountain of youth * * * makes sick folks well * * * Healing Waters * * * Marvelous results have been achieved in the treatment of Stomach, Kidney, and Bladder Troubles, Diabetes, Rheumatism, Blood Disorders, Skin Affections, Eczema, Chronic Ulcers and old sores of long standing are healed by bathing in the water * * * a great curative agent * * * For best results in all internal ailments, a gallon a day should be taken for the first two weeks, then quantity can be reduced. Even in the most aggravated cases of kidney trouble * * * For healing sores and ulcerations, local application should be made. Place absorbent cotton over affected parts and saturate with Chumuckla water. It is very healing; also drink plenty of Chumuckla while treating locally," (shipping box) "Nature's gift to suffering humanity * * * gives results * * * healing waters * * * fountain of youth * * * Nature's great corrective," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 26, 1929, the Chumuckla Springs Co., Pensacola, Fla., having appeared and admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by dumping the water. It was further ordered by the court that the Chumuckla Springs Co. be permitted to retain the bottles, cases, and crates upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17306. Misbranding of Anti-Uric and Anti-Uric outfits. U. S. v. 30 Bottles of Anti-Uric and 30 Anti-Uric Outfits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24610. I. S. Nos. 019244, 019245. S. No. 2948.)

On March 12, 1930, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 bottles of Anti-Uric and 30 Anti-Uric outfits, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by the Anti-Uric Co., from San Francisco, Calif., on or about February 5, 1930, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Anti-Uric outfit consisted of Anti-Uric, a carton of Pullman pills, and an oil for use with Anti-Uric; the Anti-Uric consisted essentially of extracts of plant drugs, traces of formaldehyde and volatile oils, alcohol, and water; the Pullman pills contained an extract of a plant drug such as aloe and resins; and the oil consisted essentially of methyl salicylate and a saponifiable oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Anti-Uric, bottle label) "Rheumatism, Sciatica, Arthritis, Neuritis, Gout, Lumbago, Kidney Trouble, Blood Disorders, and General Uric Acid Condition * * * Anti-Uric is a Pure Vegetable Tonic Remedy;" (circular, accompanying Anti-Uric) "Rheumatism is considered a blood disease * * * Constipation, weak kidneys, stomach troubles or indigestion, while they may not be very bad in themselves, prevent the removal of the waste products from the body. The refuse accumulates in the stomach and bowels and forms uric acid and other poisons, which the blood quickly absorbs. These poisons irritate the delicate inner lining of the arteries and veins, and, when deposited in the joints, dry up and destroy the natural fluids, causing what is known as articular rheumatism; * * * Inflammatory rheumatism * * * Sciatic rheumatism, is one of the most painful afflictions * * * is a neuralgia of the Sciatic Nerve, characterized by severe pains in the back, thigh, leg or foot, following the course of the Sciatic Nerve. Chronic rheumatism * * * Acute rheumatism usually occurs with symptoms of fever, excruciating pains, enlarged joints * * * Neuritis and lumbago are true rheumatic ills and, like sciatica and inflammatory rheumatism, yield to Anti-Uric Treatment within 15 to 20 days. The Remedy: We wish to state again that rheumatism must be treated internally. Only a blood purifier is of permanent benefit. Anti-Uric is not only one of the best purifiers of the blood, but also promotes digestion and assimilation of the food, making rich, nourishing blood. * * * Its tonic effect * * * Anti-Uric will build up the entire system. * * * and increase the weight to normal. Anti-Uric * * * strengthening weak kidneys * * * We are warranted in stating that Anti-Uric will give satisfaction in every case of genuine rheumatism * * * In order to get the best results from Anti-Uric, the internal liquid * * * The parts which are sore and swollen must be massaged with Anti-Uric Oil * * * The bowels must be kept open by the use of the Pullman Pills * * * It is important that the patient continues the Anti-Uric treatment without a lapse, even if the pains increase, and especially if the case is Arthritis;" (carton, Anti-Uric outfit) "Rheumatism, Gout, Sciatica, Lumbago and General Uric-Acid Conditions, Anti-Uric, for internal use. * * * is a valuable tonic and anti-rheumatic promoting oxidation of uric-acid * * * Is Valuable in many cases of Rheumatism and Some Ailments Commonly Called Rheumatism. Rheumatic Fever, Inflammatory or Acute. And Sciatic Rheumatism;" (circular included with Anti-Uric outfit contains same statements as those quoted above); (bottle label in Anti-Uric outfit) "Anti-Uric * * * A Valuable Treatment for Rheumatism, Gout, Arthritis, Sciatica, Neuritis, Lumbago and General Acid Condition;" (oil, bottle label, in Anti-Uric outfit) "Oil for Use with Anti-Uric A penetrating * * * oil for External Use * * * Rheumatism, Gout, Sciatica and Lumbago."

On May 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17307. Misbranding of Hot Springs Improved Sarsaparilla compound. U. S. v. 36 Bottles, et al., of Hot Springs Improved Sarsaparilla Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24377 to 24382, incl. I. S. Nos. 026038 to 026043, incl. S. Nos. 2618 to 2623, incl.)

On December 24, 1929, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 210 bottles of Hot Springs Improved sarsaparilla compound, remaining in the original unbroken packages in part at Gary, Ind., and in part at Indiana Harbor, Ind., alleging that the article had been shipped by the Lauber & Lauber Co., from Chicago, Ill., in various shipments between the dates of September 18, 1929, and November 15, 1929, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, Rochelle salt, benzoic acid (0.05 per cent), extracts of plant drugs including a laxative drug, alcohol, sugar and water, flavored with oil of sassafras and methyl salicylate.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the bottle label and on the carton, were false and fraudulent, since the said article contained no ingredients having the curative and therapeutic effects claimed: (Bottle label) "A Reliable Skin and Blood Purifier In all Diseases arising from Impure Blood and Run Down System Highly Recommended for a Speedy Relief from Constipation and Rheumatism * * * For a weak and delicate person, * * * Keep your body clean, eat plenty of nourishing food, get plenty of out-door exercise and take this medicine according to directions and you will be restored to a healthy and vigorous body;" (carton) "A Reliable Skin and Blood Purifier, A Most Valuable Remedy for Pimples, Blotches of Skin, Eczema, Erysipelas, Ulcers, Scrofula, Running Sores, Syphilitic Affections, Liver Troubles, Carbuncles, and all Diseases arising from Impure Blood and Run-Down System. Highly Recommended for a Speedy Relief from Constipation and Rheumatism. * * * Blood Purifier and System Tonic for all Diseases of the Skin and Blood, for a healthy appetite, sound digestion, clear skin and vigorous body."

On March 28, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17308. Adulteration and misbranding of ether. U. S. v. Ninety ¼-Pound Cans of Ether Pro Narcosi. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24409. I. S. No. 029709. S. No. 2651.)

On January 2, 1930, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of ninety ¼-pound cans of ether, remaining in the original unbroken packages at Des Moines, Iowa, alleging that the article had been shipped by the American Solvents & Chemical Corporation, Albany, N. Y., September 20, 1929, and transported from the State of New York into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed in purity from tests laid down in said pharmacopœia, since it contained peroxide. Adulteration was alleged for the further reason that the article was sold under the following standard of purity, (can label) "This ether is especially prepared for Anæsthesia * * * Our ether for anæsthesia does not alone answer all the pharmacopœial requirements but in addition thereto contains no impurities whatever * * * making it in all respects superior * * * to the ether U. S. P. IX Rev." whereas the purity of the article fell below such professed standard in that it contained peroxide.

Misbranding was alleged for the reason that the following statements on the can label, "This Ether is especially prepared for anæsthesia * * *

and will be found absolutely free from the contaminations usually present in ordinary ether, * * * Our ether for anæsthesia does not alone answer all the pharmacopœial requirements but in addition thereto contains no impurities whatever, being free from * * * many other impurities found in anæsthetic ethers offered on the market making it in all respects superior to them and to the ether U. S. P. IX Rev. * * * We are positive that * * * Chemical * * * tests will show the superiority of our product," were false and misleading when applied to an article containing peroxide and which was not a superior product.

On May 10, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17309. Misbranding of Katarrol. U. S. v. 196 Bottles of Katarrol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24742. I. S. No. 024543. S. No. 3097.)

On or about May 9, 1930, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 196 bottles of Katarrol at San Juan, P. R., alleging that the article was being offered for sale and sold in Porto Rico, by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small amounts of plant extractives, menthol, and guaiacol, glycerin, alcohol (0.3 per cent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Katarrol. For bronchio-pulmonary affections. Cough, Bronchitis, Hoarseness, Etc. * * * an antiseptic for the respiratory tract;" (carton) "For all bronchial and lung troubles. Relieves coughs, * * * bronchitis, etc. * * * Antiseptic for the Respiratory Organs [This statement appears in both English and Spanish];" (circular) "Katarrol, Tuberculosis, Bronchitis, Influenza, Catarrhs. For bronchio-pulmonary affections, Cough, Bronchitis, Hoarseness, Etc. * * * antiseptic for the respiratory tract. * * * Tuberculosis is the most curable of all infectious diseases. Catarrh, Bronchitis, Influenza, Tuberculosis; * * * Katarrol. The best remedy for treating tuberculosis is creosote. Katarrol contains a large dose per tablespoonful of pure Guaiacol, a derivative with all the advantages of Haya. * * * the best ingredients * * * for the treatment of asthma, influenza, spasmodic cough, night sweats and tuberculosis. * * * antiseptic, regenerating * * * properties for the throat, bronchios and lungs. * * * the results obtained are rapid and sure. Since the first dose, it diminishes and modifies the fatigue cough, etc. It brings the bronchio-pulmonary secretions to their normal condition, * * * calming the natural intranquility of persons attacked by affections of the respiratory organs."

On June 2, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17310. Adulteration and misbranding of ether. U. S. v. 34 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24615. I. S. No. 034056. S. No. 2969.)

On March 15, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of thirty-four 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about February 14, 1930, and transported from the State of New Jersey into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained excess acid.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, to wit, "Ether, Purified for Anesthesia U. S. P. X."

Misbranding was alleged for the reason that the statement on the can label, to wit, "Ether, Purified for Anesthesia U. S. P. X," was false and misleading, since the article showed the presence of excess acidity.

On May 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17311. Adulteration and misbranding of Third Degree Special Aid and Third Degree Three Purpose liquid. U. S. v. 1 Gallon of Third Degree Special Aid for Necro and Flu, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24587, 24588, 24607, 24608. I. S. Nos. 033749, 033750, 034078, 034079, 034082, 034083, 034084. S. Nos. 2922, 2923, 2933, 2934.)

On March 4, 1930, and March 11, 1930, respectively, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3 gallons of Third Degree Special Aid and 26 gallons of Third Degree Three Purpose liquid, in various lots at Montezuma, Deep River, and Earlham, Iowa, alleging that the articles had been shipped by the Drovers Veterinary Union, from Omaha, Neb., in part on or about February 13, 1930, and in part on or about February 14, 1930, and transported from the State of Nebraska into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that the Third Degree Special Aid consisted essentially of sodium hydroxide, volatile oils including camphor and oil of anise, small amounts of guaiacol, and cresol, and water (approximately 89.0 per cent), colored with a red dye, and it did not contain castor oil; and the Third Degree Three Purpose liquid consisted essentially of sodium hydroxide, tarry material, oil of turpentine, and water (approximately 94.0 per cent).

It was alleged in the libels that the articles were adulterated in that they were sold under the following standard of strength, "Castor Oil U. S. P.," in the case of the Third Degree Special Aid, and "Water as vehicle not to exceed 80%," in the case of the Third Degree Three Purpose liquid, whereas the said articles fell below such professed standards.

Misbranding was alleged for the reason that the statements, "Castor Oil U. S. P.," and "Water as vehicle not to exceed 80%," regarding the respective products, were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the therapeutic effects of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Third Degree Special Aid) "Third Degree Special Aid for Necro and Flu * * * 250 Lbs. in six months;" (Third Degree Three Purpose liquid) "Third Degree Three Purpose Liquid for Hogs * * * 250 lbs. in six months * * * for unthrifty or poor doing hogs."

On May 9, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17312. Misbranding of Speedy laxative cold tablets. U. S. v. 15 Dozen Packages of Speedy Laxative Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23386. I. S. No. 03606. S. No. 1558.)

On February 15, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 dozen packages of Speedy laxative cold tablets at Jersey City, N. J., alleging that the article had been shipped by D. C. Leo & Co. (Inc.), Des Moines, Iowa, on or about January 14, 1929, and transported from the State of Iowa into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, a small amount of cinchona alkaloids, extracts of plant drugs including a laxative drug and capsicum.

It was alleged in the libel that the article was misbranded in that the following statement regarding the curative and therapeutic effect of the said article, (carton) "For the treatment of * * * Lagrippe," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On July 1, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17313. Adulteration and misbranding of solution citrate magnesia. U. S. v. 4 Gross Bottles of Solution Citrate Magnesia. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24599. I. S. No. 033730. S. No. 2938.)

On March 6, 1930, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 gross bottles of solution citrate magnesia, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Citro-Nesia Co., (Inc.), Chicago, Ill., on or about January 30, 1930, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained in each 100 cubic centimeters magnesium citrate corresponding to 1.13 grams of magnesium oxide; 10 cubic centimeters of the solution required 7.88 cubic centimeters of half normal sodium hydroxide for neutralization and 10 cubic centimeters of the solution contained total citric acid corresponding to 20 cubic centimeters of half normal sulphuric acid.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength and quality as determined by tests laid down in said pharmacopœia, and its own standard was not stated upon the container. Adulteration was alleged for the further reason that the article fell below the professed standard or quality under which it was sold, namely, "Sol. Citrate of Magnesia, U. S. P. IX."

Misbranding was alleged for the reason that the statement on the crown seal, "Sol. Citrate of Magnesia, U. S. P. IX," was false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article.

On April 24, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17314. Misbranding of Flumonia salve. U. S. v. 15 Dozen Packages, et al., of Flumonia Salve. Decrees of condemnation entered, with provision for release of product under bond. (F. & D. Nos. 23967, 23968. I. S. Nos. 015076, 015077. S. No. 2199.)

On August 24, 1929, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 19¾ dozen packages of Flumonia salve at Little Rock, Ark., alleging that the article had been shipped by the Van Vleet-Ellis Corporation from Memphis, Tenn., in part on or about January 2, 1929, and in part about February 23, 1929, and transported from the State of Tennessee into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum containing small amounts of camphor, menthol, and oil of eucalyptus.

It was alleged in the libels that the article was misbranded in violation of section 8, paragraph 3 of the act as amended, in that the following statements, appearing on the jar and carton labels and in the accompanying circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Flumonia

(Fuming) Salve * * * First Aid for * * * Chest Congestions and Inflammation. * * * Pneumonia. Apply hot cloth to throat, chest and upper part of back for at least 5 minutes, then apply this fuming salve and rub in well and cover with hot white flannel; place the covering so that the fumes arising can be inhaled freely, and repeat the application every 2 hours unless the patient is sleeping comfortably. Spasmodic Croup. Rub Flumonia over the throat and chest and induce the child to inhale the fumes which will arise after the salve is loosely covered with a piece of hot flannel. A little of the salve may be heated in a spoon and the fumes inhaled. Continue this treatment until the air passages are opened and breathing is relieved. Whooping Cough and Asthma. Use same treatment as above * * * Coughs and Sore Throat. Place a piece of the salve about the size of a pea on the tongue and allow to be slowly swallowed and apply externally to the throat, rubbing in well. A splendid application for * * * external inflammation;" (carton) "Flumonia * * * Used For Catarrh * * * Sore Throat, Coughs, Spasmodic Croup, Influenza, * * * The Best Results Are Obtained by Rubbing Freely Over the Chest. The Penetrating Fumes Help to Overcome Congestion By Opening Up The Air Passages;" (circular) "First Aid in the treatment of Coughs and * * * Inflammations, * * * Sore Throat, Neuralgia, * * * Internally and Externally * * * It is valuable in the treatment of the various ailments of the lungs, respiratory organs and air passages. * * * Flumonia Fuming Salve. Upon application, the heat of the body releases the fumes, which are inhaled and thereby carried directly to the air passages and respiratory organs. * * * It acts by absorption through the skin, the effect of which is to promote circulation and stimulate the body to its normal functions * * * Ordinary Coughs * * * Swallow one-fourth teaspoonful of Flumonia three or four times a day. Rub Flumonia well over the throat especially before retiring, and to quiet the nerves, ease pain and bring restful health-restoring sleep take * * * Catarrh, Sore Throat, Tonsillitis, Hoarseness * * * inhale the fumes of Flumonia melted in a spoon. At night massage the throat and chest with Flumonia, rubbing in well, and apply a thick layer of Flumonia covering with warm flannel. * * * Bronchitis, Grippe, Pneumonia, Flu. Rub Flumonia over the spinal column from hips to shoulders to relieve the nerves. Then inhale the fumes of Flumonia which has been melted in a spoon. Rub Flumonia over the chest and throat and cover with warm flannel. Continue until relieved. * * * Asthma, Whooping Cough, Spasmodic Croup. First give a good purgative, for best results Van Vleet's Aromatic Castor Oil is recommended followed by a hot mustard foot-bath (one tablespoon of dry mustard in a gallon of hot water). Open the pores of the skin by applying hot towels until the skin is red. As soon as one towel has been removed, immediately apply another. This may also be accomplished by the application of hot mustard plasters or a plaster made of equal parts of mustard and Flumonia. As soon as the pores are well opened, massage with Flumonia for several minutes, and spread a thick layer of Flumonia. Cover with a doubled flannel cloth. Leave the covers loose about the head of the patient, that the fumes may circulate freely and reach the respiratory organs. Repeat this treatment as soon as the redness disappears from the skin. For Bronchitis * * * only the throat and chest need to be treated, but in Pneumonia and Flu, rub Flumonia on the back from the shoulder to the hips. Sinus Suffering. Flumonia is wonderfully soothing and alleviating for sinus pains. It is, of course, simply a first aid for troubles of this character until surgical relief can be obtained. * * * Muscular Rheumatism, * * * Muscular Soreness * * * When the Inflammation has been reduced, spread Flumonia liberally and cover with hot cloths. * * * Neuralgia * * * conditions have been relieved by rubbing Flumonia over the face and temples, and inhaling the fumes from Flumonia melted in a spoon;" (display carton) "Flumonia (Fuming) Salves * * * First Aid for * * * Chest Congestion and Inflammation."

On February 27 and March 12, 1930, respectively, no answer or other pleading having been filed in the cases, judgments of condemnation were entered, and it was ordered by the court that the product might be released to the respective claimants, the Van Vleet-Ellis Corporation, and the C. J. Lincoln Co., Little Rock, Ark., for relabeling as may be required by this department, upon the execution of bonds totaling \$400, otherwise that it be destroyed by the United States marshal. It was further ordered by the court that the claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17315. Misbranding of Improved bronchial lozenges. U. S. v. 60 Cartons of Improved Bronchial Lozenges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24613. I. S. No. 026569. S. No. 2961.)

On March 11, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 cartons of Improved bronchial lozenges, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Parke, Davis & Co., from Detroit, Mich., on or about August 23, 1929, and transported from the State of Michigan into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of glycyrrhiza, capsicum, sugar, and volatile oils including oil of anise.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Improved Bronchial Lozenges * * * for the alleviation of bronchitis * * * soreness of the throat, * * * cough, asthma and similar disorders of the throat and lungs * * * one or two of the lozenges will give immediate relief;" (circular) "Improved Bronchial Lozenges For the alleviation of Bronchitis * * * irritation or soreness of the throat, * * * cough, asthma and similar disorders of the throat and lungs * * * one or two of the lozenges will give immediate relief." (Similar statements in Spanish, German, French, Italian, Yiddish, Polish, Bohemian, and Hungarian.)

On April 25, 1930, Parke, Davis & Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17316. Misbranding of Womanette. U. S. v. 21 Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24255. I. S. No. 020019. S. No. 2479.)

On November 16, 1929, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 bottles of Womanette at Memphis, Tenn., alleging that the article had been shipped by the Vicksburg Chemical Co., from Vicksburg, Miss., on or about October 25, 1929, and transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act. Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, potassium bromide, sugar, alcohol, and water.

The article was labeled in part: (Wrapper, bottle label, and circular) "Womanette * * * Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are * * * Tonic and Nervine. Its tendency is to blunt nervous susceptibility and equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature. * * * Irregular, Obstructed and Painful Menstruation, Vaginal and Uterine Lucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb, Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc."

It was alleged in the libel that the article was misbranded in that the labels bore false statements of curative and therapeutic effects.

On April 14, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17317. Misbranding of D-O-D Specific No. 3. U. S. v. 8 Cans of D-O-D Specific No. 3. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24647. I. S. No. 033457. S. No. 2879.)

On April 1, 1930, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cans of D-O-D Specific No. 3, remaining in the original packages at Spring Valley, Ill., alleging that the article had been shipped by the C. Nelson Smith Co. (Inc.), from Milwaukee, Wis., on or about February 6, 1930, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, potassium permanganate, and small amounts of magnesium sulphate and charcoal.

It was alleged in the libel that the article was misbranded in that the following statements on the cans containing the said article, and in the printed circular, folder, and testimonials accompanying the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "For sore throat, stomach and bowel troubles. * * * For gangrene * * * barber's itch, * * * cholera morbus, colic, * * * sores, eczema, hives * * * other skin diseases;" (circular) "Gangrene * * * [testimonials] Affidavit * * * My case was a diabetic gangrene of the most aggravated kind. The disease had progressed all over one foot, to one and a half inches above the ankle. * * * Use D-O-D. The first treatment gave immediate and great relief. Now, after using D-O-D for three months, I am in perfect condition. My foot does not ache and the gangrene has entirely disappeared. * * * Affidavit July 12, 1917, I made affidavit that I had been cured of diabetic gangrene by the use of D-O-D only. * * * I believe D-O-D properly applied and directions closely followed will cure any case of diabetic gangrene. * * * Affidavit on the 27th day of February, 1921, a diabetic abscess developed on my right foot and gangrene followed immediately * * * Then gangrene developed on the other foot and was making rapid progress when * * * D-O-D that will cure gangrene. I was skeptical * * * Well I tried it and in three weeks' time there was another change for the better, but we continued its use according to directions and made a complete and lasting cure, and I am satisfied that D-O-D applied according to directions will cure any case of diabetic gangrene. Affidavit * * * I am now and have been suffering with pulmonary tuberculosis for more than five years last past * * * I had diarrhoea and bowel cramps so badly that I almost died. * * * I used D-O-D for five days; it positively put my stomach and bowels in order. Also at the same hospital I developed what is known as a T. B. rectum. * * * The fistula came back, got very large * * * I injected a solution of D-O-D every evening for thirty days and the same became cured. D-O-D did nothing more or less than save my life. * * * it * * * will destroy * * * and heal bed sores. Affidavit * * * Some years ago I was suffering with Kidney and Bladder trouble and * * * in 1917 I was examined and treated * * * and he diagnosed my illness as tuberculosis of the kidney * * * a friend of mine spoke to me about D-O-D and induced me to try it. * * * I noticed an improvement and continued its use with excellent results. During the past 3½ years I have used two \$1.00 cans of your D-O-D and am in better health than I have been in 15 years. Eczema, Running Sores, Shingles, Hives * * * Barber's Itch * * * An efficient and harmless douche is so important and necessary in maintaining the good health of womankind that we give it special mention. * * * D-O-D as a douche * * * cuts away dead tissue and kills poisonous seed or germs. * * * Steam and Vaporizing * * * Asthma, Influenza, Bronchitis, Catarrh, * * * Sore Throat, Hay Fever, Grippe * * * Poisonous Bites * * * Blood Poisoning * * * Carbuncles, Boils * * * Dyspepsia, Dysentery * * * Ptomaine Poisoning, Cholera Morbus, Colic * * * Pyorrhea * * * Diabetes * * * Piles;" (folder) "Diabetes and D-O-D Facts Not Fiction by One Who Knows Not from Hearsay but Actual Experience * * * For nine long years I suffered untold agony from diabetes. In these same nine years I had no interest in life whatsoever. All I could see before me was an empty future. To-day I am like the old colored sinner at a camp meeting. Just want to shout with joy. It is truly 'A Grand Glorious Feeling,' and D-O-D did it."

On June 3, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17318. Misbranding of Orium medicated salve and liquid Orium. U. S. v. 12 Dozen Small-Sized Jars of Orium Medicated Salve, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24704, 24705. I. S. Nos. 037541, 037542, 037543. S. No. 3038.)

On April 7, 1930, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen small-sized jars and 10½ dozen large-sized jars of Orium medicated salve, and 9 bottles of liquid Orium, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by the Vicksburg Chemical Co., Vicksburg, Miss., on or about February 28, 1930, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the liquid Orium consisted essentially of liquid petrolatum and volatile oils including menthol, camphor, eucalyptus oil and turpentine, or pine oil; and the Orium medicated salve consisted essentially of petrolatum and volatile oils including menthol, camphor and eucalyptus and pine oils.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, appearing in the labeling, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Cartons, both size jars of salve) "Rub On Freely * * * Inflammation is usually reduced quickly. Especially is this true in croup, coughs, * * * influenza pneumonia, bronchitis, tonsillitis and sore throats * * * Inhale The Fumes * * * gives quick relief in cases of * * * catarrh, asthma, croup and whooping cough. * * * Quick and Powerful for relief of * * * coughs, spasmodic croup, influenza, pneumonia, catarrh, asthma, sore throat, whooping cough, headaches, hay fever, bronchitis, tonsillitis * * * eczema * * * Usually Gives Relief in Half an Hour;" (jar label, salve, small size) "For Relief of Croup, Coughs * * * Influenza, Pneumonia, Catarrh, Asthma, Hay Fever, Sore Throat, Whooping Cough, Headaches, Bronchitis, Tonsillitis, * * * Piles, Eczema;" (jar label, salve, large size) "The Modern Treatment. A First Aid in Treatment of * * * Coughs, Croup, Influenza, Pneumonia, Catarrh, Asthma, Hay Fever, Sore Throat, Whooping Cough, Headaches, Bronchitis, Tonsillitis, * * * Piles, Eczema;" (circular with salve, small size) "Treatment * * * croup, pneumonia, influenza, etc. * * * As a Preventive Orium will also be found most beneficial as a preventive of * * * infections of every kind * * * For * * * croup, pneumonia, influenza, la grippe, and all troubles affecting the respiratory organs * * * Rub on freely * * * Inflammation is usually reduced quickly. Especially is this true in croup, coughs, * * * influenza pneumonia, bronchitis, tonsillitis and sore throat. * * * Sore Throat. In cases of severe sore throat, * * * apply Orium, * * * especially along the glands of the neck * * * Catarrh * * * it will give much relief. * * * Piles * * * Headache And Neuralgia * * * Earache * * * Toothache * * * Hay Fever * * * Quick and Powerful For Relief of Croup, Coughs, * * * Influenza, Pneumonia, Catarrh, Asthma, Hay Fever, Sore Throat, Whooping Cough, Headaches, Bronchitis, Tonsillitis, Itching Piles, Eczema;" (circular with salve, large size) "Orium is a medicated salve which was discovered as the culmination of a long and exhaustive search for a treatment of * * * coughs, croup, influenza and pneumonia. In 1918 came the terrible Influenza Epidemic during the first few weeks of which Orium was discovered, and as a decisive test of its worth to the world, sample jars of Orium were immediately sent out into districts most infested with the plague. The results were marvelous, not only in treatment of influenza, but in pneumonia, * * * and other related ills. * * * Inhale the Fumes. For treatment of * * * croup, and other diseases of the respiratory organs. * * * Insert in the Nostrils for treatment of * * * catarrh and hay fever * * * relief from catarrh or hay fever begin with the first treatment of this sort. * * * Orium for Pneumonia * * *

Immediately the symptoms are discovered the patient should be put to bed and treatments commenced by placing a heated flannel cloth over a liberal coating of Orium on the chest. * * * Orium for * * * Coughs, La Grippe and Sore Throat * * * coughs, la grippe and sore throat, illnesses from which almost every person suffers, are of such nature that they greatly weaken the bodily resistance and often result in serious consequences when neglected. Orium, when applied freely, and promptly, is the modern treatment for these ills. * * * Orium for Croup * * * Orium has been found to be extremely efficacious in treatment of spasmodic croup * * * Orium for Bronchitis and Tonsilitis * * * In treating bronchitis rub Orium freely and thoroughly into the chest * * * In tonsilitis the same treatment should be used on the throat. * * * Use Orium for Hay Fever, Catarrh, and Asthma. * * * In treatment of Catarrh * * * Orium for Influenza * * * Orium for Headaches and Neuralgia * * * Orium for * * * Eczema," (carton, liquid Orium) "Use * * * In treatment of * * * Headaches, Catarrh, Asthma, Hay Fever, Sore Throat, Coughs and kindred head and throat disorders, * * * in treatment of * * * coughs, influenza, pneumonia, catarrh, asthma, whooping cough, hay fever, bronchitis cular with liquid Orium) "Orium (prepared both as a liquid and a salve) ache, Catarrh, Asthma, Hay Fever and other disorders affecting the head and throat, * * * Rub Freely on Affected Parts. In treatment of * * * Spasmodic Croup, LaGrippe, Influenza, Pneumonia, and kindred ills," (circular with liquid Orium) "Orium (prepared both as a liquid and a salve) is the * * * achievement for the treatment of * * * coughs, spasmodic croup, la grippe, pneumonia, hay fever, tonsilitis, catarrh, bronchitis and other disorders affecting the respiratory organs. It is also highly recommended for headache, eczema * * * itching piles * * * In treating hay fever, catarrh and asthma * * * Inhale The Fumes. In treating * * * spasmodic croup, hay fever and headache, * * * Insert in the Nostrils. For the treatment of * * * catarrh, and hay fever * * * In treating * * * catarrh, asthma and hay fever * * * Orium For Pneumonia * * * Orium For * * * Coughs, La Grippe and Sore Throat * * * coughs, la grippe, and sore throats * * * Orium For Croup * * * Orium For Bronchitis and Tonsilitis * * * Use Orium for Hay Fever, Catarrh and Asthma * * * Orium For Influenza * * * Orium For Headache and Neuralgia * * * Orium for * * * Eczema."

On May 6, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17319. Misbranding of Humphreys' No. 77. U. S. v. 5 Dozen Bottles of Humphreys' No. 77. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24713. I. S. No. 024518. S. No. 2769.)

On April 9, 1930, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen bottles of Humphreys' No. 77 at San Juan, P. R., alleging that the article had been shipped by Humphreys' Homeopathic Medicine Co., from New York, N. Y., into Porto Rico, and was being sold and offered for sale in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the pellets consisted essentially of traces of arsenic and extracts of plant drugs and sugar.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and wrapper label, and on the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper and bottle label) "Grip, Influenza, Catarrh, Pains & Soreness in the Head & Chest, & General Prostration & Fever, * * * Hay Fever;" (circular, in English and several foreign languages) "For Grip, Influenza, Catarrh, Pains and Soreness in the Head, * * * Rose Catarrh. * * * Give for Grip or Influenza * * * For Summer or Rose Catarrh * * * Sufferers from almost any disease will find relief by using Humphreys' effective remedies. * * * for * * * Grip, Influenza it is invaluable. * * * When you Sneeze or Shiver take '77' Immediately."

On May 6, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17320. Misbranding of Glycero medicated plasters. U. S. v. 18 Dozen, et al., Jars of Glycero Medicated Plasters. Consent decree of condemnation. Product released under bond. (F. & D. No. 24728. I. S. Nos. 037126, 037127, 037128. S. No. 3074.)

On April 19, 1930, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34½ dozen various-sized jars of Glycero medicated plasters, remaining in the original unbroken packages at Des Moines, Iowa, alleging that the article had been shipped by the Physicians' Chemical & Drug Co., Chicago, Ill., in various consignments, on or about June 1, 1929, February 3, 1930, and March 13, 1930, respectively, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was a plaster containing kaolin (clay), glycerin, and oil of sassafras.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the container and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Container) "For all pain, inflammation and congestion * * * it stimulates vaso-motor, lymphatic and circulatory systems where others depress;" (circular) "For any and all acute or chronic inflammatory conditions and congestions * * * ulcers, boils, * * * felons, periostitis, erysipelas, inflamed glands and infected * * * scratches * * * will give relief in a short space of time by establishing a better circulation and increasing the activity of the enuncitories of the diseased part * * * and thereby establishing a physiological (normal) condition of the parts. Deep-seated structures. * * * Pneumonia, Pleurisy, Bronchitis, Peritonitis, Cystitis, Ovaritis, Metritis and Nephritis * * * Pneumonia. * * * You will find almost immediate relief, and if applied in time will doubtless prevent a long siege of sickness. Bronchitis * * * Pleurisy * * * Intercostal Rheumatism or Intercostal Neuralgia. * * * Relief is almost sure to follow. Appendicitis, Peritonitis and any and all inflammation of the bowels. * * * Relief is quite sure to follow within a short space of time. Inflamed Joints, as Rheumatism, Synovitis, Gout * * * relief will follow in short time. Inflammation of the breasts (Mastitis). If applied sufficiently early the possibility of suppuration will be lessened to a minimum and resolution will immediately take place. Swollen Testicles (Orchitis) Buboos. * * * pain and swelling subsides and immediate resolution takes place. * * * Boils and Felons. Glycero Medicated-Plaster * * * is nearly a specific if used early and diligently in these troubles. Erysipelas. Apply Glycero-Medicated Plaster * * * Relief will soon follow. Inflammation and Congestion of the Ovaries, Tubes, Uterus or Painful Menstruation (Dysmenorrhea). Septic wounds, Infections, Many a hopeless case will find beneficial relief * * * Spasmodic Croup. Will generally find great relief * * * Chronic Skin Diseases, Inflammatory. Will find desired relief * * * Old Chronic Ulcers. Have been known to heal and mend most rapidly under the use of Glycero-Medicated-Plaster, that were of years' standing and resisted all other treatment. We recommend you to try this preparation in these most obstinate diseases. * * * Inflamed Glands, as in Diphtheria, Tonsillitis, Scarlet Fever, Measles. * * * Lumbago (Muscular Rheumatism) * * * Reduced Dislocations * * * Spinal Meningitis * * * Endometritis."

On May 9, 1930, the Physicians Chemical & Drug Co., Chicago Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17321. Adulteration and misbranding of ether. U. S. v. 1 Case of Ether. Default decree of condemnation and destruction. (F. & D. No. 24373. I. S. No. 026901. S. No. 2629.)

On December 18, 1929, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 case of ether, remaining in the original packages at Corpus Christi, Tex., alleging that the article had been shipped by the Ohio Chemical & Manufacturing Co., Cleveland, Ohio, on or about October 12, 1929, and transported from the State of Ohio into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized by the United States Pharmacopœia and differed from the standard of quality and purity as determined by tests laid down in said pharmacopœia. Adulteration was alleged for the further reason that purity of the said article fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that the statements on the label of the can containing the said article, namely, "The exceptional purity of this ether * * * the exclusion of air by carbon dioxide prevents the oxidation of ether to * * * peroxides by atmospheric oxygen," were false and misleading.

On February 12, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17322. Misbranding of Dr. Ellis' F. E. I. tooth paste. U. S. v. 2½ Dozen Packages of Dr. Ellis' F. E. I. Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24212. I. S. No. 08193. S. No. 2451.)

On November 8, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ dozen packages of Dr. Ellis' F. E. I. tooth paste, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the F. E. I. Corporation, Pittsburgh, Pa., alleging that the article had been shipped from Pittsburgh, Pa., on August 20, 1929, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, and a small amount of glycerin, flavored with oil of anise. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was misbranded in that the statement "First Eliminate Infection," appearing on the carton and tube containing the article, and in the accompanying circular, and the statement "The medication * * * combining the antiseptic * * * properties," appearing in the said circular, were false and misleading in that the said statements represented that the article possessed antiseptic properties, whereas it possessed no antiseptic properties. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Metal tube) "A Life Preserver For Teeth and Gums * * * Pyorrhea Specific to Prevent Infection of Pyorrhea, Rigg's Disease, Bleeding, Tender and Receding Gums * * * For preventing Pyorrhea;" (carton) "A Life Preserver For Teeth and Gums * * * Pyorrhea Specific * * * preventing tender, bleeding, and receding Gums or Pyorrhea (Rigg's Disease);" (circular) "'First Eliminate Infection.' This is the watchword, when tooth and gum troubles, such as are experienced by four out of five adults, show the ravages of infection known as Pyorrhea, or Tender, Bleeding, Irritated gums. Dr. Ellis' F. E. I. Tooth Paste * * * Keeps Gums Healthy. Pyorrhea being an insidious disease, destroys the gum tissue without pain or great discomfort. It may occur in late childhood, but is more

frequent in adult life. Once the infection begins, nature's first warning is a tenderness of the gums, which later becomes irritated and bleed easily when the teeth are brushed. This condition is followed by destruction of the gum tissue around the teeth, allowing the pus to become absorbed into the system, lowering the vitality of the entire body, and the gums to recede from their normal gum margin, as indicated by the uneven V's or ragged gum margin at the base of the teeth, while in the healthy gums the margin is even. This recession allows the enamel beneath the gum to become exposed, and owing to this portion of the enamel being more porous than the enamel above the normal gum margin, decay soon occurs. Dental and Medical Science agree that the mouth is the habitat for countless millions of germs, ready to attack the delicate gum tissue when broken or injured. Armed with this warning it is very imperative to fight against this ever present army, if you desire pearly white teeth to be set firm in healthy rosy gums. To wage a victorious fight and destroy these germs, dentists and physicians combine in their opinion that the par-excellent dentifrice should be both cleansing and medicated. Sooner or later unless this infection is destroyed the peri-dental tissue holding the teeth in their sockets, becomes diseased and later destroyed, allowing the teeth to become loose and have to be extracted. Your dentist will tell you that very frequently he is called upon to treat a perfectly sound tooth that has become loose as the result of this infection destroying the peri-dental tissue. Only one course is open for him when this condition has been neglected—extraction. * * * Tartar * * * pushes the gum tissue away from the tooth, causing injury and irritation to the gums. The gums, being irritated soon become infected owing to the presence of germs. * * * Dr. Ellis * * * perfected the present Dr. Ellis' F E I Tooth Paste (First Eliminate Infection) to combat these millions of germs. * * * you are able to keep * * * the roots set firm in healthy gums."

On January 8, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17323. Misbranding of Alvita tablets. U. S. v. 108 Boxes of Alvita Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24518. I. S. No. 016513. S. No. 2815.)

On February 7, 1930, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 108 boxes of Alvita tablets, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the California Alfalfa Products Co., Pasadena, Calif., on or about January 10, 1930, and had been transported from the State of California to the District of Columbia, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of an extract of plant material, starch, traces of sassafras and celery oils, and magnesium sulphate coated with calcium carbonate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Display carton) "Alfalfa-Vitamines * * * Alvita * * * Are Life * * * Tonic Tablets. * * * To be used in the treatment of Kidney, Liver and Bladder Ailments, Prostate Gland trouble, Rheumatism and a general Tonic for run-down condition."

On May 21, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17324. Misbranding of Glikol. U. S. v. 2½ Gross of Glikol. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24661. I. S. No. 024531. S. No. 3001.)

On April 1, 1930, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-

demnation of 2½ gross of Glikol at Mayaguez, P. R., alleging that the article had been shipped by Brewer & Co. (Inc.), from Worcester, Mass., on or about January 10, 1930, and transported from the State of Massachusetts into Porto Rico, and was being offered for sale and sold in Porto Rico by Farmacia Guzman (Pan American Manufacturing Co.), Mayaguez, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, guaiacol, potassium acetate, sodium salicylate, glycerin, oil of peppermint, a trace of chloroform, alcohol (1 per cent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing upon the carton and bottle labels, and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. "Antibacillary Mixture. Specific for the respiratory tract. Recommended for Bronchitis, Acute and Chronic; Pneumonia, Catarrhs, * * * Grippe, * * * Also for Asthma, Rheumatism and Whooping Cough."

On May 6, 1930, Antonio Guzman Rodriguez, proprietor of the Farmacia Guzman, Mayaguez, P. R., having appeared as claimant for the property, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or otherwise disposed of until properly relabeled as required by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17325. Adulteration and misbranding of tablets phenolphthalein, solution camphor in oil, tincture digitalis, tincture aconite root, solution ergot, tincture cinchona, and fluid extract belladonna leaves. U. S. v. The Tilden Co. Plea of guilty. Fine, \$2,625. Fine reduced to \$1,750. (F. & D. No. 23763. I. S. Nos. 24461-x, 24464-x, 24467-x, 24468-x, 24472-x, 24547-x, 24548-x.)

At the April, 1930, term of the United States District Court, within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information containing 14 counts against the Tilden Co., a corporation, New Lebanon, N. Y., alleging shipment by said company, in violation of the food and drugs act, from the State of New York into the State of New Jersey, of quantities of drugs which were adulterated and misbranded. The said drugs consisted of phenolphthalein tablets, solution camphor in oil, tincture digitalis, and tincture aconite root, shipped on or about April 10, 1928; tincture cinchona and fluid extract belladonna leaves, shipped on or about May 28, 1928; and solution ergot, shipped on or about June 5, 1928, and were labeled in part as hereinafter set forth.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, viz: The tablets phenolphthalein were each represented to contain ½ grain of phenolphthalein, whereas said tablets contained not more than 0.373 grain of phenolphthalein. Each mil of the solution camphor in oil was represented to contain 0.2 gram (3 grains) of camphor, whereas each mil of the article contained more than 0.2 gram (3 grains) of camphor, to wit, not less than 3.637 grains of camphor. The said tincture digitalis was represented to conform to the standard provided by the United States Pharmacopœia, whereas it did not. The said tincture aconite root was represented to conform to the said pharmacopœia, and each 100 cubic centimeters was represented to contain 0.045 gram of aconitine, whereas it did not conform to the pharmacopœia, and each 100 cubic centimeters of the article contained less than 0.045 gram of aconitine, to wit, not more than 0.0225 gram of the ether-soluble alkaloids of aconite, including aconitine. Each ampul of the said solution ergot was represented to contain 2 grams (31 grains) of ergot, whereas each of said ampuls contained not more than 10 grains of ergot. The said tincture cinchona was represented to conform to the said pharmacopœia and each 100 cubic centimeters thereof were represented to contain 0.75 gram of anhydrous ether-soluble alkaloids, whereas it was not tincture cinchona which conformed to the standard of the pharmacopœia, and each 100 cubic centimeters thereof contained less than 0.75 gram of anhydrous ether-soluble alkaloids. Each 100 cubic centimeters of the said fluid extract of belladonna leaves was repre-

sented to contain 0.3 gram of alkaloids, whereas each 100 cubic centimeters of the article contained more than 0.3 gram of alkaloids, to wit, not less than 0.373 gram of alkaloids. Adulteration was alleged with respect to the tincture digitalis, tincture aconite root, tincture cinchona, and fluid extract belladonna leaves for the further reason that they were sold under names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopœia official at the time of investigation, viz, the pharmacopœia provides that tincture of digitalis, when injected into the ventral lymph sac of a frog should have a minimum systolic dose of not more than 0.0065 cubic centimeters for each gram of body weight of frog, whereas the said tincture digitalis required more than so provided, to wit, 0.012 cubic centimeter for the minimum systolic dose for each gram of body weight of frog. The said pharmacopœia provides that tincture aconite root, when administered subcutaneously to guinea pigs, has a minimum lethal dose of not more than 0.00045 centimeters for each gram of body weight of guinea pig, whereas the said tincture aconite root, when administered subcutaneously to guinea pigs required more than 0.00045 cubic centimeter for a minimum lethal dose for each gram of body weight of guinea pig, to wit, 0.0009 cubic centimeter for each gram of body weight of guinea pig. The said pharmacopœia provides that each 100 cubic centimeters of tincture cinchona should yield not less than 0.8 gram of the alkaloids of cinchona, whereas each 100 cubic centimeters of the said tincture cinchona yielded less than 0.8 gram of the alkaloids of cinchona, to wit, not more than 0.297; and the said pharmacopœia provides that each 100 cubic centimeters of fluid extract of belladonna leaves should yield not more than 0.33 gram of the total alkaloids of belladonna leaves, whereas each 100 cubic centimeters of the said fluid extract of belladonna leaves yielded more than 0.33 gram of the total alkaloids of belladonna leaves, to wit, not less than 0.373 gram of alkaloids; and the strength, quality, and purity of the said articles were not declared on the containers thereof.

It was further alleged in the information that the articles were misbranded in that certain statements appearing in the labeling were false and misleading, in that the articles were not as represented by the said statements, viz: The said tablets phenolphthalein were labeled, "Tablets Phenolphthalein $\frac{1}{2}$ gr.," which represented that each tablet contained one-half grain of phenolphthalein, whereas each of said tablets contained less than one-half grain of phenolphthalein.

The said solution camphor in oil was labeled, (box) "Each mil Contains Camphor 0.2 Gm. (3 Grs.)," and (ampul) "I Mil * * * Containing Camphor 0.2 Gm. (3 Grs.)," which represented that each mil of the article contained 0.2 gram (3 grains) of camphor, whereas each mil of the article contained more than 0.2 gram (3 grains) of camphor. The said tincture digitalis was labeled, "Tincture Digitalis, U. S. P. * * * This tincture is made from drugs by percolation in strict accord with the U. S. P.," which represented that the article conformed to the tests laid down for tincture digitalis in the United States Pharmacopœia, whereas it did not. The said tincture aconite root was labeled, "Tincture Aconite Root, U. S. P. * * * each 100 cc. contains 0.045 gm. Aconitine," which represented that the article was tincture aconite root which conformed to the United States Pharmacopœia, and that each 100 cubic centimeters thereof contained 0.045 gram of aconitine, whereas it did not conform to the standard laid down in the said pharmacopœia and each 100 cubic centimeters contained less than 0.045 gram of aconitine. The said solution ergot was labeled on box containing ampuls, "Ampul 1 Cc. (16 Min.) Sterilized Solution Ergot * * * 2.0 Gm. (31 Grs.)," which represented that each ampul contained 2 grams, namely, 31 grains of ergot, whereas each ampul contained less than 2 grams and less than 31 grains of ergot. The said tincture cinchona was labeled, "Tincture Cinchona, U. S. P. * * * Each 100 Cc. contains 0.75 Gm. anhydrous ether-soluble alkaloids. This tincture is made from the drug by percolation in strict accord with the U. S. P.," which represented that the article was tincture cinchona which was in strict accord with the United States Pharmacopœia, and that each 100 centimeters of the article contained 0.75 gram anhydrous ether-soluble alkaloids; whereas it was not tincture cinchona which was in strict accord with the said pharmacopœia, and each 100 cubic centimeters of the article contained less than 0.75 gram of anhydrous ether-soluble alkaloids. The said fluid extract belladonna leaves was labeled, "Fluid Extract Belladonna Leaves, U. S. P. * * * Each 100 Cc. contains 0.3 Gm. alkaloids," which represented

that the article was fluid extract of belladonna leaves which conformed to the test laid down in the United States Pharmacopœia, and that each 100 cubic centimeters of the article contained 0.3 gram of alkaloids, whereas it did not conform to the test laid down in said pharmacopœia, and each 100 cubic centimeters contained more than 0.3 gram of alkaloids. Misbranding was alleged in the information with respect to the tincture digitalis for the further reason that it was a product other than tincture digitalis, U. S. P., and was offered for sale and sold under the name of another article, to wit, tincture digitalis, U. S. P.

On April 14, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 on each of 7 counts and \$125 on each of the remaining 7 counts. On April 29, 1930, the defendant filed a motion setting forth that the adulteration charged in the information related to 7 specific defects and that the misbranding charged therein related to the same 7 specific defects, that a fine on both the adulteration and misbranding counts in effect imposed 2 penalties for each single defect, and prayed that an order be entered vacating the fine, and that defendant be fined only on the basis of 7 counts representing the 7 actual defects alleged in the information. On May 12, 1930, the case was reargued and the court imposed a fine of \$250 on each of the 7 adulteration counts, totaling \$1,750, and suspended sentence on the 7 misbranding counts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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Issued

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17326-17350

[Approved by the Secretary of Agriculture, Washington, D. C., January 19, 1931]

17326. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24842. I. S. No. 011699. S. No. 2772.)

On or about January 21, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned on November 6, 1929, alleging that the article had been shipped by Armour Creameries, Louisville, Ky., and transported from the State of Kentucky into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On January 27, 1930, Armour & Co., Boston, Mass., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked under the supervision of this department so as to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17327. Adulteration of butter. U. S. v. 100 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24678. I. S. No. 037408. S. No. 2991.)

On March 7, 1930, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 tubs of butter at Omaha, Nebr., alleging that the article had been shipped by Bassell Bros., from Temple, Tex., on or about August 3, 1929, and transported from the State of Texas into the State of Nebraska, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that water had been substituted for butterfat. Adulteration was alleged for the further reason that the article contained less than 80 per cent of milk fat.

On March 31, 1930, the Jerpe Cold Storage Co., Omaha, Nebr., claimant, having admitted the allegations of the libel and having consented that judgment

be entered for the condemnation and forfeiture of the product, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of until reworked as directed and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17328. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24408. I. S. No. 029535. S. No. 2672.)

On December 31, 1929, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 756 boxes of apples at Nashville, Tenn., alleging that the article had been shipped by the A. E. Marsh Co., from Yakima, Wash., on or about November 29, 1929, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marsh Northwest Apples Trade Mark A. G. All Good. * * * Fancy Delicious."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, viz, arsenic and lead, which might have rendered it injurious to health.

On January 10, 1930, the C. B. Ragland Co., Nashville, Tenn., having appeared as claimant for the property and having admitted the allegation of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that the arsenic and lead be removed to make the product comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17329. Adulteration of canned blueberries. U. S. v. 997 Cases of Canned Blueberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24537. I. S. Nos. 026172, 034107. S. No. 2826.)

On or about February 20, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 997 cases of canned blueberries at Chicago, Ill., alleging that the article had been shipped by A. L. Stewart & Sons, from Cherryfield, Me., on August 29, 1929, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Stewart's Blueberries * * * Packed by A. L. Stewart and Sons, Cherryfield, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On April 30, 1930, H. B. Salmon & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$8,000, conditioned in part that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17330. Adulteration and misbranding of cottonseed meal. U. S. v. Planters Oil Co. Pleas of nolo contendere. Fines, \$350. (F. & D. Nos. 22590, 23760. I. S. Nos. 8607-x, 14633-x, 18503-x, 18505-x, 22202-y, 02259, 02260, 02294, 05590, 05591, 05594, 05596.)

On March 20, 1929, and December 18, 1929, respectively, the United States attorney for the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Planters Oil Co., a corporation, Albany, Ga., alleging shipment by said company in violation of the food and drugs act, in various consignments, on or about September 9 and October 3, 1927, from the State of Georgia into the State of Massachusetts; on or about October 4, 1927, from the State of Georgia into the States of Maine and Rhode Island; on or about October 7, 1927, September 28, 1928, and

January 31, February 13, and February 15, 1929, from the State of Georgia into the State of Florida; and on or about October 15, 1928, from the State of Georgia into the State of Alabama, of quantities of cottonseed meal which was adulterated and misbranded. The article was labeled in part, variously: "Second Class Cotton Seed Meal Manufactured by Planters Oil Co., Albany, Ga. Analysis [or "Guaranteed Analysis"] Ammonia (Actual & Potential) 7.00% (Equivalent to Protein 36.00%); "Standard Cotton Seed Meal Guaranteed Analysis Ammonia 7.00% Protein 36.00% * * * Fibre 14.00% * * * Manufactured by Planters Oil Co., Albany, Ga.;" "Choice-Prime 'Dixie Brand' * * * Guaranteed Analysis Min. Protein 41.12;" "Nina Columbus Brand Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00 * * * Fibre (maximum) 14.00%."

It was alleged in substance in the informations that the article was adulterated in that certain substances had been substituted for cottonseed meal, labeled as above, which the said articles purported to be, namely, a cottonseed meal containing less than 41.12 per cent of protein had been substituted for the said Dixie brand cottonseed meal; a cottonseed feed containing less than 7 per cent of ammonia—the equivalent of 36 per cent of protein—had been substituted for the said second-class cottonseed meal; a cottonseed feed containing less than 36 per cent of protein and less than 7 per cent of ammonia and more than 14 per cent of fiber had been substituted for the said standard cottonseed meal; and a cottonseed feed containing less than 36 per cent of protein and more than 14 per cent of fiber, had been substituted for the said Nina Columbus brand cottonseed meal.

Misbranding was alleged in substance for the reason that the statements, to wit, "Guaranteed Analysis Min. Protein 41.12%," "Cotton Seed Meal * * * Guaranteed Analysis Ammonia (actual & Potential) 7.00% (Equivalent to Protein 36.00%)," "Cotton Seed Meal * * * Analysis Ammonia (Actual & Potential) 7.00% (Equivalent to Protein 36.00%)," "Standard Cotton Seed Meal Guaranteed Analysis Ammonia 7.00% * * * Protein 36.00%, Fibre 14.00%," and "Cotton Seed Meal * * * Guaranteed Analysis Protein (Minimum) 36% * * * Fibre (maximum) 14.00%," borne on the tags attached to the sacks containing the respective lots of the said article, were false and misleading in that the said statements represented that the article was cottonseed meal containing the amount of protein and ammonia declared on the label, and with respect to a portion of the article not more than 14 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal containing the amount of protein and ammonia declared on the label and that a portion of the article contained not more than 14 per cent of fiber, whereas the said Dixie brand was a cottonseed meal containing less than 41.12 per cent of protein, and the remainder of the article was not cottonseed meal, but was a cottonseed feed containing less protein and ammonia than declared, and the said standard meal and Nina Columbus brand meal contained more than 14 per cent fiber. Misbranding was alleged with respect to the products, with the exception of the Dixie brand, for the further reason that it was offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On April 10, 1930, a plea of *nolo contendere* to each information was entered on behalf of the defendant company, and the court imposed fines totaling \$350.

ARTHUR M. HYDE, *Secretary of Agriculture*.

17331. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 24810. I. S. No. 036389. S. No. 3152.)

On or about May 20, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 27 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Spearfish Creamery Cooperative, from St. Onge, S. Dak., April 29, 1930, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason

that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

On May 22, 1930, the Land O'Lakes Creameries (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17332. Adulteration of grapefruit. U. S. v. 360 Boxes, et al., of Grapefruit. Product released under bond to be salvaged. (F. & D. No. 24843. I. S. Nos. 018526, 018527. S. No. 2880.)

On February 12, 1930, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 720 boxes of grapefruit, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Sprowl Fruit Co., from Mission, Tex., in part on or about February 1, 1930, and in part on or about February 3, 1930, and transported from the State of Texas into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Packed and Shipped by Sprowl Fruit Co., Mission, Texas."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable product; in that frost-damaged fruit had been substituted for edible citrus fruit, which the article purported to be; and in that a valuable constituent, juice, had been wholly or in part abstracted from the article.

On February 21, 1930, E. V. Sprowl, Mission, Tex., claimant, having admitted the allegations of the libels and having paid costs and executed bonds totaling \$3,000, conditioned upon compliance with the orders of the court, decrees were entered ordering that the product be released to the said claimant to be salvaged under the supervision of this department, and the frost-damaged and adulterated fruit destroyed or disposed of according to the regulations of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17333. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24796. I. S. No. 022749. S. No. 3006.)

On March 14, 1930, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Twin Falls, Idaho, March 7, 1930, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter, which the said article purported to be.

On March 25, 1930, Swift & Co., San Francisco, Calif., claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17334. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24827. I. S. No. 030638. S. No. 3083.)

On or about April 9, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the

A. G. Creamery Co., from Arcadia, Wis., March 24, 1930, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

On April 26, 1930, the Sweet Cream Butter Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17335. Misbranding of egg noodles. U. S. v. 15 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24541. I. S. No. 018303. S. No. 2827.)

On February 19, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of egg noodles, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Porter-Scarpelli Macaroni Co., Portland, Oreg., on or about December 20, 1929, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Red and White Brand Fresh Egg Noodles Made from Pure Durum Semolina."

It was alleged in the libel that the article was misbranded in that the statement "Egg Noodles" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article, and for the further reason that the retail package failed to bear a statement of the quantity of the contents.

On March 11, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17336. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24795. I. S. No. 022704. S. No. 3032.)

On March 20, 1930, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Lakeshire Cheese Co., from East Portland, Oreg., March 10, 1930, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On April 12, 1930, Cudahy & Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17337. Adulteration and misbranding of butter. U. S. v. 67 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24829. I. S. No. 022625. S. No. 2985.)

On March 12, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-

demnation of 67 cases of butter, remaining in the original unbroken packages at Denver, Colo., consigned by the Capitol Hill Creamery Co., Denver, Colo., alleging that the article had been shipped from Fort Francis E. Warren, Wyo., on or about March 10, 1930, and transported from the State of Wyoming into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Capitol Hill Butter One Pound Solid The Capitol Hill Butter Co. Denver, Colo."

It was alleged in the libel that the article was adulterated in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 13, 1930, the Capitol Hill Creamery Co., Denver, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be disposed of contrary to law, and that it be reworked and repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17338. Misbranding of butter. U. S. v. 36 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24814. I. S. No. 037528. S. No. 3029.)

On or about March 12, 1930, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Sunlight Produce Co., Neosho, Mo., on or about March 1, 1930, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "10 Lbs. Net."

It was alleged in the libel that the article was misbranded in that the statement "10 Lbs. Net," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated on the package was not correct.

On March 14, 1930, the Sunlight Produce Co., Neosho, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17339. Adulteration and misbranding of cheese. U. S. v. 25 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24288. I. S. No. 026201. S. No. 2532.)

On or about December 3, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 boxes of cheese at Chicago, Ill., alleging that the article had been shipped by the Colby Cheese Co., Unity, Wis., October 30, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wisconsin No. 1."

It was alleged in the libel that the article was adulterated in that skimmed-milk cheese and cheese containing excessive water had been substituted in part for whole-milk cheese.

Misbranding was alleged for the reason that the statement on the label, "Wisconsin No. 1," implying whole-milk cheese, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 18, 1930, G. H. Hammond & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a

decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be used in the manufacture of pasteurized process cheese, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17340. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24818. I. S. No. 023418. S. No. 3134.)

On May 9, 1930, United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cases of butter, remaining in the original unbroken packages at steamship pier, Seattle, Wash., alleging that the article was to have been shipped by the Washington Creamery Co., Seattle, Wash., about May 8, 1930, from the State of Washington to Anvik, Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "Blue Ribbon Brand Butter—One Pound—Distributed by Washington Creamery Co. Seattle, Washington."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound," borne on the label, was false and misleading, since the package contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On May 20, 1930, the Washington Creamery Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17341. Misbranding of butter. U. S. v. 324 Packages of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24668. I. S. No. 022531. S. No. 2752.)

On or about January 30, 1930, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of three hundred and twenty-four 1-pound packages of butter, remaining in the original unbroken packages at Butte, Mont., alleging that the article had been shipped by the American Packing & Provision Co., Ogden, Utah, on or about January 6, 1930, and transported from the State of Utah into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Fresh Creamery Butter American Packing & Provision Co., Ogden, Utah. One Pound."

It was alleged in substance in the libel that the article was misbranded in that the statements on the label were false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound of the said article. Misbranding was alleged for the further reason that the wrapper bore a statement regarding the contents therein contained which was false and misleading in that the said label represented that the contents thereof weighed not less than 1 pound, whereas the said contents weighed less than 1 pound. Misbranding was alleged for the further reason that the quantity of the contents was not marked on the outside of the packages.

On February 8, 1930, M. J. Fitzpatrick, Butte, Mont., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17342. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24826. I. S. No. 033439. S. No. 3049.)

On or about March 20, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from Creston, Iowa, March 10, 1930, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

On April 30, 1930, the G. H. Hammond Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17343. Misbranding of alfalfa meal. U. S. v. The Lamar Alfalfa Milling Co. Plea of guilty. Fine, \$80. (F. & D. No. 23751. I. S. Nos. 0923, 014248, 014249, 014250.)

On August 29, 1929, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lamar Alfalfa Milling Co., a corporation, Lamar, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about December 13, December 15, and December 24, 1928, respectively, from the State of Colorado into the State of Texas, and on or about February 9, 1929, from the State of Colorado into the State of Louisiana, of quantities of alfalfa meal which was misbranded. A portion of the article was labeled in part: "100 Pounds (Net) Alfalfa Meal Manufactured by Lamar Alfalfa Milling Company, Lamar, Colorado." The remainder of the said article was labeled in part: "Alfalfa Meal 100 Lbs. Net When Packed Made by The Lamar Alfalfa Milling Co. Lamar, Colorado."

It was alleged in the information that the article was misbranded in that the statements, to wit, "100 Pounds (Net)" and "100 Lbs. Net when packed," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the sacks each contained 100 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks each contained 100 pounds net of the said article, whereas they did not, but did contain, in each of a number of said sacks, less than 100 pounds net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since each of a number of the sacks contained less than represented.

On January 13, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17344. Adulteration and misbranding of canned tomatoes. U. S. v. 1097 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24208. I. S. Nos. 017076, 017077. S. No. 2433.)

On November 4, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 1,097 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by W. H. Sanford, from Kinsale, Va., in two consignments, on or about August 21, 1929, and August 23, 1929, respectively, and transported from

the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Southern Leader Brand Tomatoes Packed by W. H. Sanford, Tucker Hill, Va. [cut of red ripe tomatoes]."

It was alleged in the libel that the article was adulterated in that added water had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for canned tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 10, 1929, W. H. Sanford, Tucker Hill, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17345. Adulteration and misbranding of canned tomatoes. U. S. v. 823 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24187. I. S. No. 017075. S. No. 2426.)

On October 29, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 823 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by E. Fallin & Bro., from Coan, Va., on or about September 21, 1929, and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Coan Brand Tomatoes Packed by E. Fallin & Bro., Coan Va. [cut of red ripe tomato]."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the designation "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, tomatoes.

On November 5, 1929, Eugene Fallin, manager of E. Fallin & Bro., Coan, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17346. Adulteration of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24794. I. S. No. 023405. S. No. 3103.)

On or about April 24, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Worden Creamery Co., Worden, Mont., on or about April 15, 1930, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On April 25, 1930, the Worden Creamery, Worden, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a

decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17347. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24830. I. S. No. 037845. S. No. 3048.)

On or about March 20, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by A. F. Brockman, from Concordia, Mo., March 11, 1930, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat in that it contained less than 80 per cent of butterfat.

On March 21, 1930, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17348. Adulteration of butter. U. S. v. 2 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 24793. I. S. No. 023404. S. No. 3095.)

On April 19, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Park Creamery, Livingston, Mont., on or about April 7, 1930, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On April 19, 1930, L. F. Lee, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the deposit of a certified check in sufficient amount to insure that the product be reconditioned to conform with the Federal food and drugs act, said check to be returned to claimant upon evidence of compliance with the terms of the decree.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17349. Misbranding of tankage. U. S. v. 9 Bags of Feeding Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24749. I. S. No. 028309. S. No. 3108.)

On or about May 6, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 bags of feeding tankage, remaining in the original unbroken packages at Stockton, N. J., alleging that the article had been shipped by the Independent Manufacturing Co., Philadelphia, Pa., on or about February 3, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Independent's 60% Blood Feeding Tank-

age Protein 60% Min * * * From Independent Manufacturing Co. Philadelphia, Pa."

It was alleged in the libel that the article was misbranded in that the statements "60% Blood Feeding Tankage Protein 60% Min" were false and misleading and deceived and misled the purchaser when applied to an article containing a less amount of protein. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 19, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17350. Adulteration of canned pie peaches. U. S. v. 50 Cases, et al., of Canned Pie Peaches. Default decree of destruction entered. (F. & D. Nos. 24103, 24104, 24109. I. S. No. 010475. S. No. 2343.)

On October 1, 1929, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 185 cases of canned pie peaches, remaining in the original unbroken packages at Natchez, Miss., alleging that the article had been shipped by the W. L. Houser Canning Co., from Fort Valley, Ga., on or about June 27, 1929, and transported from the State of Georgia into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Miona Brand Pie Peaches * * * Packed by W. L. Houser Canning Co. Fort Valley, Ga."

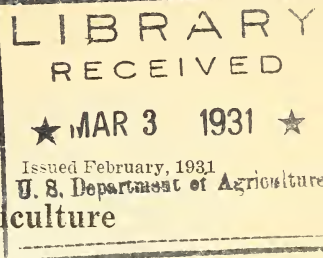
It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On November 20, 1929, no claimant having appeared for the property, decrees were entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17351-17375

[Approved by the Secretary of Agriculture, Washington, D. C., February 10, 1931]

17351. Alleged adulteration and misbranding of Bred Spred. U. S. v. 49½ Cases of Bred Spred. Hearing on claim, answer, and motion to dismiss. Libel ordered dismissed and goods returned to claimant. (F. & D. No. 21324. I. S. Nos. 12287-x, 12288-x. S. No. C-5242.)

On August 12, 1926, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 49½ cases, each containing a number of jars of Bred Spred, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Glaser Crandell Co., from Chicago, Ill., August 9, 1926, to Detroit, Mich., that said shipment was interstate, and that the article was adulterated and misbranded in violation of the food and drugs act. On November 17, 1926, the said libel was amended.

The amended libel alleged that the article was adulterated in that a substance, pectin, had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality or strength; in that a substance, pectin, had been substituted wholly or in part for the article; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of jam; for the further reason that it was offered for sale under the distinctive name of another article; for the further reason that the retail packages containing the article bore labels upon which the statement, "Bred Spred Strawberry [or "Raspberry"] Flavor," appeared, which statement was false and misleading and deceived and misled the purchaser, in that it represented the product to be a pure jam, whereas it was not, but was a compound of pectin, fruit, and sugar; and for the further reason that there appeared on said labels pictorial designs or devices of fruit which deceived and misled the purchaser into the belief that the article was strawberry or raspberry jam, whereas it was not. Misbranding was alleged for the further reason that the said retail package inclosing the product, the metal cap and the manner in which said cap was sealed on the package, together with the label bearing statements, designs, and devices with respect to the contents of the said package, viz, "Bred Spred, Glaser Crandell Co., 1925 Net Weight 14½ ounces, Strawberry [or "Raspberry"] Flavor, Glaser Crandell Co., Chicago," and the pictorial design of fruit were misleading.

On November 20, 1926, John E. Wallace and Neil E. Wallace, copartners, trading as John E. Wallace & Son, Detroit, Mich., entered an appearance as owners and claimants of the property, and filed an answer denying that the product was adulterated and/or misbranded as charged in the amended libel and praying that the said libel be dismissed.

The case came on for hearing on the amended libel, claim and answer on January 6, 1927. Evidence was submitted by the Government and the case was argued by counsel for the Government and claimants. On motion made by claimant that the libel be dismissed, the court delivered the following oral decision (Simons, J.):

"I confess I have been looking at the language of this section 8 here off and on for the last day and a half, and I have not at times been clear as to just what it did mean—whether it meant under the first paragraph 'If it be an imitation of another article' or whether it meant, 'If it be an imitation of another article under a distinctive name.' It would seem to me that, depending somewhat on the attitude of mind you brought to an interpretation of that first clause, you could read it either way.

"Reading it, however, in connection with the proviso, it might seem as though the Congress intended that articles that were not labeled with the distinctive name of some other article would come within the exception or the proviso. Now, that is undoubtedly the conclusion that Justice Hughes came to in *Savage v. Jones*, and while, of course, this case was not a case involving directly the pure food and drug law, it was a case in which there was considered the constitutionality of a local statute of the State of Indiana, the question there being raised as to whether the State statute invaded the field already occupied by the Federal food and drug law; and in order to determine whether it did invade that field it became necessary for Justice Hughes, speaking for the court, to map out or chart the field over which Congress took jurisdiction in so far as interstate commerce was concerned, by this particular section 8 of the Federal statute on behalf of the court. So it is rather more than dictum. Wasn't it necessary to decision that he lay out, define, the limits of the field in which Congress undertook to legislate with respect to interstate commerce, in order to determine whether or not the State statute of Indiana, which was in question, invaded that field? Because the Supreme Court has held that where Congress has taken jurisdiction over commerce that is interstate, so far as it has undertaken to regulate that commerce, its authority is exclusive. That is true.

"And so, whatever Justice Hughes had to say on behalf of the court with regard to the interpretation of this section 8 was not dictum, but was necessary for the decision of the case of *Savage v. Jones*.

"It seems to me that this court is bound to follow the interpretation put upon the section by the Supreme Court of the United States, and even if it be conceded that the interpretation is dictum it is dictum that is certainly highly persuasive as to the real meaning of Congress in the language contained in section 8 of the food and drug law.

"Perhaps, in view of what I have said, it would be unnecessary to spend the time to formulate a more formal opinion. The libel and amended libel will be dismissed, the petition of the claimant for the return of the seized property will be granted—the prayer of the petitioner granted. You may take your exceptions."

Counsel for the Government excepted to the ruling. The court on the same date entered a decree dismissing the libel and amended the libel and ordered that the United States marshal deliver the product to the Glaser-Crandell Co., Chicago, Ill., described in the decree as claimant.

On February 9, 1927, the assistant United States attorney filed an assignment of error and petition for writ of error to the Circuit Court of Appeals for the Sixth Circuit, which petition was allowed by the court. It appearing that the goods had been released under the order of January 6, 1927, the appeal was dismissed on April 14, 1927, on motion of the assistant United States attorney.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17352. Alleged adulteration and misbranding of Bred Spred. U. S. v. 15 Cases of Bred Spred Raspberry Flavor, et al. Claim and answer filed. Hearing on demurrer to answer. Demurrer overruled. Judgment for claimant. Writ of error to Circuit Court of Appeals. Judgment for claimant affirmed. (F. & D. No. 21425. I. S. Nos. 13912-x to 13916-x, incl. S. No. C-5278.)

On December 2, 1926, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 cases of Bred Spred at Indianapolis, Ind., alleging that the article had been shipped by Glaser Crandell Co., Chicago, Ill., in part on June 12, 1926, and in part on September 25, 1926, and had been transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act.

The libel charged that the article was adulterated in that a substance, pectin, had been mixed and packed with the said article so as to reduce, lower, or

injuriously affect its quality and strength in that a substance, pectin, had been substituted wholly or in part for the article; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of jam; for the further reason that it was offered for sale under the distinctive name of another article; for the further reason that the retail packages containing the article bore labels upon which the statement, "Bred Spred, Raspberry [Strawberry, Peach or Pineapple, as the case may be]," appeared, which statement was false and misleading and deceived and misled the purchaser, in that it represented the product to be a pure jam, whereas it was not, but was a compound of pectin, fruit, and sugar; and for the further reason that there appeared on the said labels pictorial designs or devices of fruit which deceived and misled the purchaser into the belief that the article was raspberry, strawberry, peach, or pineapple—as the case might be—jam, whereas it was not. Misbranding was alleged for the further reason that said retail package inclosing the product, the metal cap and the manner in which said cap was sealed on the package, together with the label bearing statements, designs, and devices with respect to the contents of the said package, viz, "Bred Spred, Glaser, Crandell Co. 1925 Net Weight 14½ ounces, Raspberry [Strawberry, Peach or Pineapple, as the case may be] flavor, Glaser Crandell Co. Chicago" and the pictorial design of fruit were misleading.

On January 14, 1927, the Glaser Crandell Co., Chicago, Ill., entered an appearance as claimant for the property and on February 28, 1927, filed an answer to the libel. On December 7, 1927, the claimant filed its amended answer setting up (1) the case of United States v. 49½ cases Bred Spred, N. J. No. 17351, as res judicata in bar of the action, and (2) specific denial of each and every charge of adulteration and misbranding contained in the libel. A motion by the Government to strike claimant's answer as insufficient was overruled on February 14, 1928. On March 16, 1928, the United States attorney filed a demurrer to the answer.

The demurrer was overruled June 5, 1928. On November 28, 1928, the Government having elected to stand upon the action of the court in overruling its demurrer, judgment was entered by the District Court in favor of the claimant. To this judgment the United States attorney excepted and immediately filed petition and notice of appeal and assignment of errors.

On October 25, 1929, the case came up before the Circuit Court of Appeals for the Seventh Circuit, J. J. Alschuler, Evans, and Page sitting. The case was argued by counsel for the Government and claimant and the court handed down the following judgment affirming the judgment of the District Court: (Page, *Cir. J.*)

"The Government (appellant) libeled, in the United States District Court for the Southern District of Indiana, under the food and drugs act, a food product called 'Bred Spred,' manufactured by claimant (appellee) at Chicago, and shipped into Indiana. Appellant abided by its overruled demurrer to each of the two paragraphs of appellee's answer, and the libel was dismissed.

"The first paragraph of the answer sets out, as an estoppel by judgment, the complete record, other than the evidence, of a case in a Federal District Court of Michigan, wherein a judgment, unappealed from, was adverse to the Government.

"Concerning the second paragraph of the answer, appellant in its brief, makes the admission that it 'consists of specific denials of the various averments of the libel and explanations, constituting together a plea of confession and avoidance.' It is not a plea of confession and avoidance, but we find that it is a good and sufficient answer to the libel, and that as to that paragraph the court properly overruled the demurrer and dismissed the libel. The propriety of the court's action in that regard is not discussed or questioned by appellant. On the contrary, after the above admission, appellant abandoned the issue on the second paragraph and said: 'The contested issues here, then, arise upon the views held and ruling made by the Judge of the District Court upon the questions of former adjudication and estoppel raised by the first paragraph of amended answer.' That must end the case. With a good defense upon the merits admitted, it can not matter how many errors may be committed by a trial court on any issue upon which a case can not be reversed. If we should hold with the contention of the Government on the first paragraph, we could not, for that reason, reverse the judgment. The judgment is affirmed."

ARTHUR M. HYDE, *Secretary of Agriculture.*

17353. Adulteration and misbranding of butter. U. S. v. 25 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24687. I. S. No. 025586. S. No. 2941.)

On February 27, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases, each containing thirty 1-pound cartons of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Fosse Produce Co., La Porte City, Iowa, alleging that the article had been shipped from La Porte City, Iowa, September 14, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (1-pound cartons) "Admiral Creamery Butter * * * C. A. Fosse, La Porte City, Iowa."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was represented to be butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On March 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17354. Adulteration and misbranding of tankage. U. S. v. 214 Bags of Digester Tankage Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23850. I. S. No. 012985. S. No. 1315.)

On or about November 13, 1928, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 214 bags of Digester tankage, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Bi-Products Feed Co., from South Chicago, Ill., on or about October 12, 1928, and transported from the State of Illinois into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ingredients, Meat, Blood and Bone Meals. Analysis: Protein minimum 60%."

It was alleged in the libel that the article was adulterated in that foreign matter containing glass and sand had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Analysis protein not less than 60 per cent," was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 60 per cent of protein, whereas it contained less than 60 per cent of protein.

On November 23, 1928, the United Bi-Products Co., Kansas City, Kans., having appeared as claimant for the property, and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17355. Adulteration and misbranding of vanilla and lemon extracts. U. S. v. 13 Cases of Vanilla Extract, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23928. I. S. Nos. 05038, 05039. S. No. 2163.)

On or about August 22, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 cases of vanilla extract and 3 cases of lemon extract at Fort Leavenworth, Kans., consigned by the Louis Maull Co., St. Louis, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about June 14, 1929, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part respectively: (Bottles) "4 Oz. Maull's * * * Pure Vanilla Extract Packed By L. Maull Co. Food Products, St. Louis, Mo;" and "4 Oz. Maull's * * * Pure Lemon Extract 94 Per Cent Alcohol Packed by L. Maull Co. Food Products, St. Louis, Mo."

It was alleged in the libel that the articles were adulterated in that artificially colored imitation products had been mixed and packed therewith so as to reduce or lower or injuriously affect their quality or strength, and had been substituted in part for the said articles. Adulteration was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were described on the labels as pure vanilla extract and pure lemon extract, whereas they were imitations of and were offered for sale under the distinctive names of pure lemon extract and vanilla extract. Misbranding was alleged for the further reason that the statement on the label of the said lemon extract, regarding the alcohol content, was false, since it did not contain 94 per cent of alcohol.

On November 4, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17356. Adulteration and misbranding of cheese. U. S. v. Henry H. Solie. Plea of guilty. Fine, \$200. (F. & D. No. 23758. I. S. Nos. 04543, 04548, 05186, 05187, 05193, 05194.)

On December 10, 1929, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry H. Solie, Stetsonville, Wis., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about October 16, 1928, January 22, 1929, January 29, 1929, and February 19, 1929, respectively, from the State of Wisconsin into the State of Indiana, of quantities of cheese, which was adulterated and misbranded. The article was labeled in part: "Colby Style Full Cream American Cheese Wisconsin No. 1."

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat and which contained an excessive amount of water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted for full cream American cheese Wisconsin No. 1, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "Full Cream American Cheese Wisconsin No. 1," borne on the label, was false and misleading in that the said statement represented that the article was full cream American cheese, which conformed to the standard of Wisconsin No. 1, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was full cream American cheese, which conformed to the standard for Wisconsin No. 1, whereas it was not full cream American cheese, and did not conform to the standard of Wisconsin No. 1, in that it was a substance which contained an excessive amount of water and was deficient in milk fat.

On February 8, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17357. Misbranding of cottonseed meal. U. S. v. 375 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24581. I. S. No. 012420. S. No. 2906.)

On March 3, 1930, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 375 bags of cottonseed meal, remaining in the original unbroken packages at Bel Air, Md., alleging that the article had been shipped by the Planters Cotton Oil & Fertilizer Co., from Rocky Mount, N. C., on or about January 10, 1930, and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Planco Cotton Seed Meal * * * Manufactured by Planters Cotton Oil & Fertilizer Co., Rocky Mount, N. C., Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," was false and misleading and deceived and misled the purchaser when applied to a product containing a less amount of protein.

On April 1, 1930, the Planters Cotton Oil & Fertilizer Co., Rocky Mount, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled to meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17358. Adulteration and misbranding of tomato paste. U. S. v. 24 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24207. I. S. No. 021816. S. No. 2438.)

On November 4, 1929, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of tomato paste, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., on or about September 18, 1929, and transported from the State of Delaware into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salsa di Pomodoro al Basilico Uso Napoli Marca Colombina Brand Pure Tomato Paste with Basil * * * Distributed and Guaranteed by Colombina Products Corporation, Laurel, Delaware."

It was alleged in the libel that the article was adulterated in that an artificially colored tomato paste had been substituted in part for pure tomato paste which the said article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Salsa di Pomodoro * * * Pure Tomato Paste," was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing undeclared artificial color.

On April 10, 1930, the International Importing Co. (Inc.), having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17359. Misbranding of canned grapefruit. U. S. v. 50 Cases of Canned Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24714. I. S. No. 024541. S. No. 3060.)

On April 8, 1930, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of canned grapefruit, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the La Isabella Grove Co., from San Juan, P. R., on or about April 3, 1930, and transported from Porto Rico into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Fruits of California Packed at San Jose, Santa Clara County, California, by the San Jose Fruit Packing Company;" (can) "Packed where Grown Specially for San Jose Fruit Packing Company, San Jose, California."

It was alleged in the libel that the article was misbranded in that the statements, "Fruits of California, * * * Packed at San Jose, Santa Clara County, California, by the San Jose Fruit Packing Co., San Jose, California," borne on the label, were false and misleading and deceived and misled the purchaser when applied to grapefruit grown and packed in Porto Rico. Misbranding was alleged for the further reason that the article was misbranded as to State of origin, was intended for export to a foreign country, and was not labeled so as to show that it was intended for export and prepared or packed according to specifications or directions of the foreign purchaser, nor had it been established by the shipper that the article was so prepared or packed.

On May 6, 1930, the California Packing Corporation (Inc.), a California corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to

the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17360. Misbranding of flour. U. S. v. 370 Sacks, et al. of flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24702. I. S. Nos. 029996, 029997. S. No. 3036.)

On April 2, 1930, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of three hundred and seventy 24-pound sacks and two hundred and ninety-five 48-pound sacks of flour, remaining in the original unbroken packages at Lake Arthur, La., alleging that the article had been shipped by the Wichita Mill & Elevator Co., Wichita Falls, Tex., on or about March 13, 1930, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Wichita Mill and Elevator Co. Baker's Pride * * * Wichita Falls, Texas. Bleached 24 Pounds [or "48 pounds"]."

It was alleged in the libel that the article was misbranded in that the statements "24 pounds" and "48 pounds," borne on the labels of the respective sized sacks, were false and misleading and deceived and misled the purchaser, since the said sacks contained less than the weight indicated thereon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the statements as to weight were incorrect.

On April 21, 1930, the Wichita Mill & Elevator Co., Wichita Falls, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17361. Misbranding of cottonseed screenings. U. S. v. 320 Sacks of Cottonseed Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24168. I. S. No. 020463. S. No. 2396.)

On or about October 19, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 320 sacks of cottonseed screenings, remaining in the original unbroken packages at Riley, Kans., alleging that the article had been shipped by the Humphreys Godwin Co., from Commerce, Tex., on or about October 10, 1929, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Bull Brand Cottonseed Meal Analysis Protein 43% Made from Pressed Cottonseed for Humphreys Godwin Company, Memphis, Tenn., Dallas, Tex."

It was alleged in the libel that the article was misbranded in that the statement, "Protein 43%," was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 43 per cent of protein, whereas it contained less than 43 per cent of protein. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 18, 1929, the Commerce Oil Mill Co. (Inc.), Commerce, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17362. Adulteration and misbranding of jellies. U. S. v. 2 Cases of Raspberry Pectin Jelly, et al. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institution. (F. & D. No. 24692. I. S. No. 019247. S. No. 3010.)

On March 28, 1930, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of various jellies, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by C. R. Merrifield & Co., from Seattle, Wash., in two lots on or about October 12 and 16, 1930 (1929), and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Merrifield's Raspberry [or "Strawberry" or "Loganberry" or "Blackberry"] Pectin Jelly Acid Added * * * C. R. Merrifield & Co., Seattle, Wash."

It was alleged in the libel that the articles were adulterated in that imitation jellies had been mixed and packed with the said articles, and had been substituted in whole or in part for raspberry pectin jelly, strawberry pectin jelly, loganberry pectin jelly, and blackberry pectin jelly. Adulteration was alleged with respect to the raspberry and strawberry flavored jellies for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designations, "Raspberry Pectin Jelly," "Strawberry Pectin Jelly," "Loganberry Pectin Jelly," and "Blackberry Pectin Jelly," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of raspberry pectin jelly, strawberry pectin jelly, loganberry pectin jelly, and blackberry pectin jelly, as the case might be.

On May 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed, or distributed to charitable institutions, by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17363. Adulteration of canned salmon. U. S. v. \$69 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24184. I. S. No. 019285. S. No. 2414.)

On March 25, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3,049 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Copper River Packing Co., from Port Nellie Juan, Alaska, on July 23, 1929, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 16, 1930, the Copper River Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be salvaged under the supervision of this department, and the portion found in violation of the law destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17364. Adulteration and misbranding of canned tomatoes. U. S. v. 1000 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24239. I. S. No. 024043. S. No. 2487.)

On November 13, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000 cases of canned tomatoes, remaining in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped by W. H. Sanford, from Kinsale, Va., on or about September 17, 1929, and transported from the State of Virginia into the State of New Jersey, and

charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Iona Brand Tomatoes * * * Distributors The Great Atlantic & Pacific Tea Co., New York, N. Y."

It was alleged in the libel that the article was adulterated in that added water had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser, when applied to a product containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 24, 1930, William H. Sanford, Kinsale, Va., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled so that the label contain the statement "23% water added."

ARTHUR M. HYDE, *Secretary of Agriculture.*

17365. Misbranding of olive oil. U. S. v. 6 Gallon Cans, et al., of Olive Oil, Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 22738, 22760, 22761. I. S. Nos. 19393-x to 19397-x, incl. S. Nos. 782, 790, 791.)

On May 7, 1928, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 14 gallon cans, 32 half-gallon cans, and 14 quarter-gallon cans of olive oil, remaining in the original unbroken packages at Gary, Ind., alleging that the article had been shipped by Mallars & Co., from Chicago, Ill., in various consignments, on or about November 29, 1927, March 28, 1928, and April 9, 1928, respectively, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Athlete Brand Pure Olive Oil Contents 1 gallon [or "½ gallon," or "¼ gallon"] Imported and Packed by Mallars & Company, Chicago."

It was alleged in the libels that the article was misbranded in that the above-quoted labels were false and misleading and deceived and misled purchasers, in that they represented that the cans contained 1 gallon, one-half gallon, or one-fourth gallon, as the case might be, of olive oil, whereas the said cans did not contain a full gallon, a full half-gallon or a full quarter-gallon of olive oil, as the case might be. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On November 13, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17366. Adulteration of grapefruit. U. S. v. 164 Boxes of Grapefruit. Decree of condemnation and destruction entered. (F. & D. No. 24669. I. S. No. 01096. S. No. 2929.)

On February 14, 1930, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 164 boxes of grapefruit, remaining in the original unbroken packages at Hutchinson, Kans., alleging that the article had been shipped by J. H. Freedman, from Edinburg, Tex., on or about February 5, 1930, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Sun Pak Lower Rio Grande Citrus Fruit. Burkhart & Williams, Edinburg, Alamon and McAllen, Texas. Marsh Seedless Citrus Fruit, Rio Grande Valley."

It was alleged in the libel that the article was adulterated in that it was composed of filthy, decomposed vegetable matter.

On February 19, 1930, the Grovier Starr Produce Co., Hutchinson, Kans., having appeared and having admitted the material allegations of the libel and

consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17367. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24672. I. S. No. 029021. S. No. 2986.)

On March 10, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter at Newark, N. J., alleging that the article had been shipped by the De Soto Creamery & Produce Co., from Minneapolis, Minn., on or about February 20, 1930, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 27, 1930, Gude & Cole (Inc.), Newark, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked and reprocessed, so that it comply with the requirements of the Federal food and drugs act, and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17368. Misbranding of butter. U. S. v. \$90 Pounds, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24840. I. S. Nos. 030281, 030282, 030283, 030285, 030286, 030287, 030288, 030289, 030290. S. Nos. 2839, 2840.)

On February 10, 1930, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,140 pounds of butter at Atlantic City, N. J., alleging that the article had been shipped by the P. E. Sharpless Co., Philadelphia, Pa., in two lots, on or about February 3 and February 6, 1930, respectively, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The individual packages containing the article were labeled in part, variously: "Sharpless Dairy Products * * * One Pound Net;" "Meadow Farms Butter * * * One Pound Net;" (tissue wrapper on portion) "4 oz. net weight;" "One Pound Net Weight, Meadow Farms Butter;" "P. E. Sharpless Co. 1 lb. net;" "Sharpless Butter Country Roll 8 oz. net;" "P. E. Sharpless Co., Philadelphia. * * * 8 ounces net."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "4 oz. Net," "8 oz. Net" and "1 Pound Net," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements, "4 oz. Net," "8 oz. Net," and "1 Pound Net," were incorrect.

On February 17, 1930, the June Dairy Products Co. (Inc.), Newark, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be repacked in tubs and labeled with a correct statement of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17369. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24683. I. S. No. 029018. S. No. 2931.)

On February 27, 1930, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Universal Car Loading & Distributing Co., Des Moines, Iowa, on or about February 14, 1930, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 17, 1930, the Gowrie Cooperative Creamery Co., Gowrie, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17370. Adulteration of canned tuna. U. S. v. 49 Cases of Canned Tuna. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24446. I. S. No. 03197. S. No. 2716.)

On January 16, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 49 cases of canned tuna, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Van Camp Sea Food Co., alleging that the article had been shipped from Terminal Island, Calif., on or about November 21, 1929, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Catalina Brand All Light Meat Striped Tuna Packed by Van Camp Sea Food Co., Inc. * * * Terminal Island (Los Angeles Harbor)."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 23, 1930, T. A. James & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17371. Adulteration of butter. U. S. v. Sherman White & Co. Plea of guilty. Fine, \$150. (F. & D. No. 23738. I. S. Nos. 05793, 24014-x, 24015-x, 24016-x.)

On August 10, 1929, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sherman White & Co., a corporation, Fort Wayne, Ind., alleging shipment by said company, in violation of the food and drugs act, from the State of Indiana, in part on or about June 14, 1928, into the State of New York, and in part on or about February 28, 1929, into the State of Massachusetts, of quantities of butter which was adulterated. A portion of the article was labeled in part: "White Cross Creamery Butter * * * Manufactured by Sherman White & Company."

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent

by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

On May 13, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17372. Adulteration of butter. U. S. v. 23 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24846. I. S. No. 019323. S. No. 2926.)

On or about February 21, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 boxes of butter, remaining in the original unbroken packages at Auburn, Wash., alleging that the article had been shipped by the Clark Fork Creamery Co., Clarks Fork (Clark Fork) Idaho, about February 12, 1930, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 10, 1930, the Auburn Dairy Products (Inc.), Auburn, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17373. Misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24676. I. S. No. 028906. S. No. 2785.)

On January 24, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cases of butter, remaining unsold at Union City, N. J., alleging that the article had been shipped by Heins & Co. (Inc.), Union City, N. J., on January 22, 1930, from New York, N. Y., in interstate commerce into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fancy Print Butter Philadelphia Brand Sweet Eight Ounces."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Eight Ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Eight Ounces" was incorrect.

On March 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17374. Adulteration of grapefruit. U. S. v. 360 Cases of Grapefruit. Product adjudged adulterated and released under bond to be reconditioned. Good portion released; bad portion destroyed. (F. & D. No. 24666. I. S. Nos. 09600, 025737. S. No. 2890.)

On February 12, 1930, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 cases of grapefruit, remaining in the original unbroken packages at Chickasha, Okla., alleging that the article had been shipped by Herbert Abraham, from Sharyland (Shadyland), Tex., on or about February 3, 1930, and transported from the State of Texas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "March Seedless Blue-bonnet Texas Sweet, Texas Citrus Fruit Growers Exchange, Rio Grande Valley, Grower's No. 101." The remainder of the said article was labeled in part: "From the Land of the Rio Grande, Texas Sure Sweet Grape Fruit, Texas Citrus Fruit Grower's Exchange, Grower's No. 101."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of decomposed grapefruit.

On February 13, 1930, Louis Abraham, Oklahoma City, Okla., appeared as claimant for the property and filed a cash bond in the sum of \$2,000. The product was released to the said claimant to be removed to Tulsa, Okla., for reconditioning under the supervision of this department. On March 24, 1930, a decree was entered finding that the product was adulterated as alleged in the libel and was shipped in interstate commerce in violation of said act. The product having been sorted, the 240 cases which were found not in violation of the law were returned to the claimant, and the 108 cases which were found in violation of the law were destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17375. Adulteration and alleged misbranding of butter. U. S. v. 76 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24665. I. S. No. 037526. S. No. 2995.)

On or about March 10, 1930, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 76 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Great Atlantic & Pacific Tea Co., Chicago, Ill., on or about March 1, 1930, and transported from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Silverbrook Creamery Butter One Pound Net Weight The Great Atlantic and Pacific Tea Company, New York, N. Y."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a substance containing less than 80 per cent by weight of butterfat had been substituted for butter, a product which should contain not less than 80 per cent by weight of butterfat as prescribed by the act of March 4, 1923, which the said article purported to be.

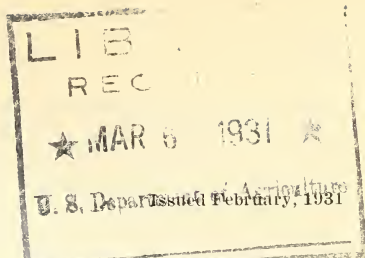
Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 22, 1930, the Great Atlantic & Pacific Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked under the supervision of this department, so that it comply with the requirements of the Federal food and drugs act defining butter and providing a standard therefor.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17376-17400

[Approved by the Secretary of Agriculture, Washington, D. C., February 10, 1931]

17376. Adulteration and misbranding of Anti-Flamma plaster. U. S. v. 2½ Dozen Packages of Anti-Flamma Plaster. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24101. I. S. No. 019768. S. No. 2346.)

On or about October 1, 1929, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ dozen packages of Anti-Flamma plaster at Atchison, Kans., alleging that the article had been shipped by the Bayles Distributing Co., from Kansas City, Mo., on or about July 27, 1929, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was a plaster containing red lead and linseed oil in an adhesive base. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, viz: (Can) "Antiseptic * * * A Powerful Fungicide * * * Germs flee from Anti-Flamma Poultice Plaster;" (circular) "Germs flee from Anti-Flamma."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Can) "Antiseptic * * * A Powerful Fungicide and Penetrating Poultice * * * Germs flee from Anti-Flamma Poultice Plaster;" (circular) "Germs flee from Anti-Flamma." Misbranding was alleged for the further reason that the following statements, appearing on the can containing the article and in the accompanying circular, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "Leg Sores, Abscesses, * * * Boils, Blood Poisoning, Carbuncles, * * * Felons, Fistula, * * * Proud Flesh, Rusty Nail Punctures, Ulcers, etc. * * * Anti-Flamma * * * will be found invaluable in the treatment of highly inflamed, painful or dangerous wounds and old sores. For Blood-Poisoning in incipient or advanced states. It positively and permanently heals Varicose Ulcers, or other old sores. Fresh wounds remain free from inflammation or soreness; (top of can) "Old Sores;" and (circular accompanying portion of article) "Leg Sores * * * Anti-Flamma Plaster. The New Discovery for the Treatment of Swollen, Inflamed, Itchy and Ulcerated Legs. This book gives a tangible explanation of leg sores and other leg complications, and scientifically explains the action of Anti-Flamma Poultice Plaster, which is a specific for the disease. A careful understanding of the contents of this book will place you in a position to successfully treat any case * * *

This cut shows the manner in which Anti-Flamma Plaster dissolves the dead bone from healthy bone. No. 1 came from the knuckle joint of the thumb. No. 2 are scales loosened from shin bone which was injured by a surgical operation. [Inset here showing 8 different specimens described on this page.] No. 3 is the spongy inside of first joint of finger. For description of case see Bone Felons, page 40. Nos. 4, 5 and 6 are solid bone dissolved from bone abscess just below the knees, caused by white swelling on a boy 10 years old. Nos. 7 and 8 are pieces of bone from bone abscess on the leg of a young girl. These pictures show the bones exact size. Anti-Flamma Poultrice Plaster is Not Only a Remedy for all Kinds of Sores but Will Reduce Swelling and Relieve Deep-Seated Pain. * * * Leg Trouble * * * Abscesses, Animal Bites, Bed Sores, Blisters, Blood Poisoning in Wounds, Boils, Bone Abscesses, * * * Cancer, * * * Carbuncles, Chilblains, * * * Diseased Tissue, Eating Sores, Erysipelas, Eczema, Felons, Fistula, * * * Inflammation, Ingrowing Toe Nails, * * * Pleurisy, Pneumonia, Proud Flesh, Rusty Nail Wounds, * * * Suspicious Sores, Warts * * * Phlebitis * * * Rheumatism and Cramps. * * * Varicose Veins * * * eczema, weeping eczema, salt rheum, etc. * * * erysipelas, blood poison, etc. * * * hydropsy. * * * bone ulcer, or bone disease, * * * varicose ulcer or varicose trouble, * * * syphilitic ulcer; * * * milk leg. * * * fever sores, * * * scrofula. * * * shin ulcer, tibia ulcer, ankle ulcer, chronic ulcer, indolent ulcer, leg ulcer, * * * kidney trouble, constipation, that tired, exhausted, wornout and run-down feeling, chills and fever, fainting spells, female complaint, rash, hives and itching over the body, weakness in the lungs * * * eye trouble * * * loss of weight * * * Anti-Flamma draws out the poisons and improves the health. * * * Anti-Flamma draws out the poisons, reduces the swelling, stops the pain and puts you back on your feet. * * * sores * * * Abscess * * * Anti-Flamma will clear the diseased portion from the healthy bone * * * Syphilis * * * cancerous sores, * * * Proud Flesh and Diseased Tissue in Wounds. * * * Eating Sores on the Body. * * * Rheumatism. * * * cancerous sores, * * * Proud Flesh and Diseased Tissue in Wounds. * * * Eating Sores on the Body. * * * Rheumatism. * * * Cancer. * * * From the many favorable reports we receive from those using it on cancerous sores, we suggest that everyone suffering from sores of this nature give them a most thorough course of treatment with the plaster. In nine out of ten cases the results will prove that they are not cancers, but only persistent sores. If such is the case, 'Anti-Flamma' will certainly effect a cure. If you have a cancer Anti-Flamma Plaster will afford the greatest amount of comfort, as it seals the sore from the air, keeps it perfectly clean and free from odor."

On October 26, 1929, the Bayles Distributing Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$250, conditioned in part that it be relabeled and should not be sold or shipped in violation of the Federal food and drugs act. It was further ordered that the claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17377. Misbranding of Sakula salve. U. S. v. 6 Tubes of Sakula Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24328. I. S. Nos. 017665, 017836. S. No. 2591.)

On December 11, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubes of Sakula salve at Cincinnati, Ohio, alleging that the article had been shipped by the Yamato Co. (Inc.), from Minneapolis, Minn., on or about September 8, 1929, and transported from the State of Minnesota into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of fat, wax, rosin, and volatile material, including camphor.

The article was labeled in part: (Tube) "Constructive and Reliable Remedy for Running Sores, Eczema, Blood-poisoning * * * it relieves Gangrene, it draws the poison out and aids nature in healing * * * Spread

thickly over affected part. If any discharge apply absorbent cotton to take it up and prevent further infection;" (carton) "A Constructive * * * Salve * * * A Constructive and Reliable Remedy for Blood Poisoning—Cancerous Sores—Gangrene—Eczema—Piles * * * All Skin Diseases and Sores * * * Animal Bites—Sore Feet—Corns * * * It Feeds the Skin and Tissues;" (circular) "For running sores or any other open sore, large burns, gangrene, external blood-poisoning, etc.; spread Sakula thickly over absorbent cotton and cover the sore with it. * * * In treating eczema (if not open) stiffened joints, and the like, apply liberally and rub in the salve * * * For pimples, 'scaly skin,' sore feet, bunions, corns, piles, etc., rub in the salve. * * * In case of inflammation of the skin and other ailments of similar nature, the treatment should be like that for any open sore. * * * Apply frequently to affected part and it will * * * hasten complete recovery. * * * This salve * * * In many cases acts * * * in drawing poisons and morbid matter to the surface * * * which causes alarm to those who do not understand the process of healing. * * * increased cell activity produced by the salve application. * * * In skin eruptions, applications of the salve will sometimes cause the area of the eruption to increase. This is directly due to either one of two things: First, the poisonous matter drawn from the eruption has been permitted to spread over the surrounding tissue and has caused infection, or second, the tissue surrounding the actual surface eruption has already been affected underneath, * * * and the application of the salve brings the poison to the surface for discharge over the entire area affected whether only on the surface or below the surface. * * * We insist that the Sakula Salve * * * with ordinary care as to cleanliness will positively induce proper healing."

It was alleged in the libel that the article was misbranded in that the tubes, the cartons containing said tubes, and the accompanying circulars bore the above-quoted statements which were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 23, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17378. Misbranding of Ponca compound. U. S. v. 18 Packages of Ponca Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24489. I. S. No. 014334. S. No. 2764.)

On February 17, 1930, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 packages of Ponca compound, remaining in the original packages at Fort Worth, Tex., alleging that the article had been shipped by the Mellier Drug Co., St. Louis, Mo., on or about July 21, 1929, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained sodium bicarbonate, sulphur, and extracts of plant drugs.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the tin containers, regarding the curative and therapeutic effects of said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Uterine Alterative for leucorrhoea, dysmenorrhoea, amenorrhoea, metritis, endo-metritis, menorrhagia, metrorrhagia, irregular menstruation, sub-involution, painful pregnancy."

On June 14, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17379. Misbranding of Zarpas ointment. U. S. v. 6 Jars of Zarpas Ointment No. 2. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24719. I. S. No. 025587. S. No. 3066.)

On April 12, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 6 jars of Zarpas ointment, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Nick Zarpas, Monessen, Pa., alleging that the article had been shipped from Monessen, Pa., December 4, 1929, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was an ointment with a fatty base containing camphor, sulphur, ground black mustard, and oleoresin of capsicum.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the jar label and in the accompanying circular were false and misleading and deceived and misled the purchaser: (Jar label) "For Rheumatism, Psoriasis, Ringworm, Eczema, Lef-codermia, * * * Pimples, * * * Rheumatism and Arthritical Swelling, Stiffness, Body Lice, Chronic Coughs;" (circular) "For Rheumatism, * * * Milk Blotch, a dangerous disease of the scalp if not attended to promptly. * * * For Influenza * * * For Psoriasis * * * For Face Eruptions * * * For Pimples * * * For Rheumatism and arthritical swelling * * * For Stiffness of Joints and Muscles * * * Lice of the body."

The misbranding charge recommended by this department was that the statements regarding the curative or therapeutic effects of the article, above quoted, were false and fraudulent.

On June 25, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17380. Misbranding of Deo Dennis eucalyptus ointment. U. S. v. 65,000 Packages of Deo Dennis Eucalyptus Ointment. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 24784. I. S. No. 028710. S. No. 3160.)

On May 31, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 65,000 packages of Deo Dennis eucalyptus ointment, remaining in the original unbroken packages at Allentown, Pa., consigned by the Deo Corporation, Denver, Colo., alleging that the article had been shipped from Denver, Colo., on or about April 30, 1930, and transported from the State of Colorado into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the ointment consisted essentially of a wax base with small amounts of petrolatum and fat containing volatile oils including eucalyptus and sassafras oils, camphor, and menthol.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the circulars accompanying the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Blue circular) "It is advisable to draw in the vapor through the mouth at times, especially if the throat is sore or inflamed. The Vaporizer should be used for 5 to 15 minutes night and morning—oftener if desired. It clears the head almost instantly and begins at once to relieve inflammation. * * * For more than thirty years, 'Deo' has been widely recognized as one of the most valuable remedial agents ever discovered for catarrh * * * and other affections of the mucous membrane. * * * vaporization offers the only practical and thoroughly efficient means yet devised for reaching diseased tissues in the nasal cavity, bronchial tubes or lungs with local treatment of any character. * * * The pleasant vapor is carried to every part of the respiratory tract, where it condenses in the form of an antiseptic healing oil, destroying germs and helping to remove inflammation in a safe, natural way. By using 'Deo' Vaporizer, quicker results will be obtained and less of the ointment required;" (yellow circular) "Effective Treatment For * * * Catarrh, Coughs, Asthma, Whooping Cough, Croup and Respiratory Troubles. Also valuable for the relief of Piles, Rheumatism * * * For healing * * * Old Sores * * * Recommended for any condition where * * * healing * * * application is desired. * * * Directions * * * For Catarrh. Catarrh is a chronic inflammation of the mucous membrane of the nose and throat. It usually begins with a cold in the head, although it may result from

breathing dust or any foreign matter that irritates the delicate membranes. Ordinary methods of treating catarrh are failures, simply because they do not reach the affected areas. You must heal those raw, tender spots that are hidden away where liquids and sprays can never touch them. The best and most effective method is to inhale the fumes of 'Deo' each night and morning. Heat a spoonful of 'Deo' in a tin pan or cup and take in deep breaths of the soothing vapor. This destroys germs and assists in healing the inflamed membrane in remote sections of the nasal passages. Next take a quantity of the ointment—the size of a pea—and insert in each nostril several times a day. Snuff it well up into the nasal cavity—don't let it remain just inside the nostrils. It is a good plan to carry a tube of 'Deo' with you and use it frequently during the day. Follow these directions and you will soon get relief from that stopped-up feeling, the hawking, spitting, and throat-dripping. For Whooping Cough and Croup. Place a spoonful of 'Deo' in a tin pan or cup and heat gently over a lamp or candle. As the ointment melts, make the child inhale the rising fumes for a minute or two. This stops the coughing and gasping and keeps the air passages open. Repeat if necessary. Also apply a small quantity of 'Deo' up the nostrils, and rub thickly on neck and chest, covering with hot flannel. The above treatment has never been known to fail when used in time. Remember that croup cannot prove fatal as long as the air passages are kept open. General instructions. For ordinary Coughs, follow the directions given for colds. For Asthma, inhale 'Deo' vapors when suffering an attack. For Piles, apply the ointment freely with finger, two or three times a day. For Rheumatism, apply a thick coating of 'Deo' over the spot where you feel the pain. Cover with flannel and place a hot water bottle over it to drive the oils in. Repeat until relieved. For * * * Old Sores * * * apply 'Deo' freely several times daily, especially when going to bed * * * For Toothache, fill cavity with 'Deo' and rub a little on the gums. * * * Remember that 'Deo' derives its remarkable * * * and healing properties from a special combination of real Australian Eucalyptus Oil with several other vegetable oils that are noted for their medicinal properties. * * * our process of combining various other oils with the eucalyptus that gives 'Deo' its remarkable medicinal value."

On July 7, 1930, the Deo Corporation, Denver, Colo., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17381. Adulteration of ether. U. S. v. 56 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24175. I. S. No. 020466. S. No. 2412.)

On October 28, 1929, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of fifty-six 1-pound cans of ether, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the Ohio Chemical & Manufacturing Co., from Cleveland, Ohio, on or about September 28, 1929, and transported from the State of Ohio into the State of Texas, and charging adulteration in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide and excess acid.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of purity laid down in said pharmacopœia, in that it contained peroxide and excess acidity.

On January 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17382. Misbranding of Ferrasol. U. S. v. 9¾ Dozen, et al., Bottles of Ferrasol. Decree of condemnation entered. Product released under bond or destroyed. (F. & D. Nos. 23829, 23830. I. S. Nos. 09341, 09343. S. Nos. 2032, 2035.)

On June 26, 1929, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and

condemnation of 20 1/2 dozen bottles of Ferrasal at Little Rock, Ark., alleging that the article had been shipped by the Crown Remedy Co., from Dallas, Tex., in part on or about April 5, 1929, and in part on or about May 16, 1929, and transported from the State of Texas into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was a mixture of sodium bicarbonate (48 per cent), magnesium carbonate (25 per cent), small amounts of calcium and iron carbonates, salicylic acid (0.34 per cent), a tartrate, and starch, flavored with oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic or medicinal effects claimed: (Bottle label on portion) "Ferrasal * * * is indicated in the numerous health troubles caused by an excess of acids in the system. Acute Indigestion * * * Dysentery and Constipation are often caused by Hyper-Acidity. Ferrasal will give relief in such cases. It will also be found helpful in Kidney and Bladder trouble * * * The Sign of Good Health * * * Stops Indigestion Now. * * * For Acute Indigestion take * * * Repeat hourly until relieved. For Chronic Indigestion * * * Also take * * * after any meal that fails to assimilate properly. * * * In cases of Dysentery and Ptomaine Poisoning call your physician and take * * * immediately. * * * For Chronic Acidosis take * * * until condition becomes normal. In Severe Cases * * *;" (bottle label on remainder) "For Acute Indigestion, Headaches * * * Dysentery and Bowel Complaints in adults or children. Ferrasal gives quick relief. * * * For Chronic Indigestion, Constipation, Kidney and Bladder Trouble. * * * Dizziness, Bumpy Face and Dull Headache resulting from acid poisons. Ferrasal will give relief if taken according to directions. Ferrasal * * * strikes at the source of the numerous health troubles caused by an over-accumulation of acid poisons in the system and blood. * * * The Sign of Good Health. * * * Stops Indigestion Now. For Stomach, Liver and Kidneys. * * * For Acute Indigestion take * * * Repeat hourly until relieved: * * * For severe or Chronic Indigestion * * * Also take * * * after any meal that fails to assimilate properly. * * * In cases of Dysentery, Bowel Complaint and Ptomaine Poisoning call your Physician and take * * * immediately. * * * Then take * * * until the condition is corrected. For Chronic Acid Conditions—Colon Trouble, Blood Disorders, Rheumatism, Kidney and Bladder Troubles, etc. * * * Take regularly until your condition has become normal. In severe cases * * * Ferrasal is absolutely harmless. * * * If baby * * * spits up food * * * Ferrasal."

On July 7, 1930, no answer or other pleading having been filed, judgments of condemnation were entered, and it was ordered by the court that the product might be released to the Crown Remedy Co., Dallas, Tex., for relabeling as might be required by this department, upon the execution of bonds totaling \$400, otherwise that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17383. Misbranding of Witmer's Coughine. U. S. v. 13 Dozen Bottles of Witmer's Coughine. Product ordered released under bond to be relabeled. (F. & D. No. 23484. I. S. No. 05036. S. No. 1656.)

On March 6, 1929, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 dozen bottles of Witmer's Coughine, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the National Drug Co., from Cardin, Okla., on or about January 18, 1929, and transported from the State of Oklahoma into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small amounts of ammonium chloride, creosote, guaiacol, camphor, chloroform, a trace of alkaloids, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of

ingredients capable of producing the effects claimed: (Bottle label) "For * * * Coughs, * * * Pneumonia, Bronchitis, Asthma, Consumption and Croup. * * * For adults, teaspoonful as needed; * * * Coughine;" (carton label) "For the relief of * * * Coughs, * * * Pneumonia, Bronchitis, Asthma, Consumption, and Croup. * * * For adults, teaspoonful as needed. * * * Coughine;" (circular) "For relief of * * * Coughs * * * Pneumonia, Bronchitis, Asthma, Consumption and Croup * * * Coughine."

On April 8, 1929, the National Drug Co., of Joplin, Mo., having appeared as claimant for the property and having executed a bond to insure relabeling of the product to conform with the requirements of this department, a decree was entered ordering that the product be released to the said claimant for the purpose of relabeling upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17384. Adulteration and misbranding of gum myrrh. U. S. v. 2 Bags, et al., of Gum Myrrh. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24209. I. S. No. 03071. S. No. 1863.)

On November 8, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 bags and 2 partly filled bags of crushed gum myrrh, and 1 barrel and 1 partly filled barrel of powdered gum myrrh, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by Devkapan-Adenwalla, Aden, Arabia, December 4, 1928, into the port of Boston, Mass., and forwarded from Boston into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained an excessive amount of acid-insoluble ash and woody or bark-like material and was deficient in alcohol-soluble material.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopeia and differed in strength, quality, and purity from the pharmacopeia specifications, in that it was deficient in alcohol-soluble material and contained an excessive amount of acid-insoluble ash and woody and bark-like material.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article.

On December 13, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17385. Adulteration and misbranding of ether. U. S. v. 1 Case of Ether. Default decree of condemnation and destruction. (F. & D. No. 24372. I. S. No. 026901. S. No. 2629.)

On December 18, 1929, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 case of ether, remaining in the original unbroken package at Palestine, Tex., alleging that the article had been shipped by the Ohio Chemical Manufacturing Co., from Cleveland, Ohio, on or about October 12, 1929, and transported from the State of Ohio into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of purity as determined by tests laid down in said pharmacopoeia, in that it contained peroxide. Adulteration was alleged for the further reason that the article was sold under the following standard of purity, (can label) "The exceptional purity of this ether * * * the exclusion of air by carbon dioxide prevents the oxidation of ether to * * * peroxides by atmospheric oxygen," whereas it fell below such professed standard of purity, in that it contained peroxide.

Misbranding was alleged for the reason that the above-quoted statements appearing on the can label, were false and misleading when applied to an article containing peroxide.

On January 27, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17386. Misbranding of Acotin. U. S. v. 29 Dozen Boxes, More or Less, of Acotin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24529. I. S. No. 010758. S. No. 2822.)

On February 17, 1930, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 dozen boxes, more or less, of Acotin, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the J. R. Watkins Co., from Newark, N. J., in part on or about November 26, 1929, and in part on or about December 24, 1929, and transported from the State of New Jersey into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetphenetidin, acetylsalicylic acid, and starch.

It was alleged in the libel that the article was misbranded in that the declaration of acetphenetidin appearing on the label was not in a conspicuous place and the label bore no statement that acetphenetidin is a derivative of acetanilide nor was the amount of acetphenetidin in each tablet stated. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the box label and in the accompanying circular, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin box) "Helpful for * * * Rheumatism * * * Neuralgia * * * La Grippe, Influenza, Lumbago, Stiff Neck, Earache;" (circular) "Indicated for * * * Neuralgia * * * Influenza * * * Earache, Rheumatism, Stiff Neck * * * La Grippe, Lumbago."

On May 16, 1930, the J. R. Watkins Co., Winona, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department to conform to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17387. Misbranding of Emerson's Honduras sarsaparilla. U. S. v. 72 Bottles of Emerson's Honduras Sarsaparilla. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24636. I. S. No. 022624. S. No. 2979.)

On March 25, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 72 bottles of Emerson's Honduras sarsaparilla, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Emerson Medicine Co., Kansas City, Mo., on or about March 3, 1930, and transported from the State of Missouri into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, traces of salicylic acid, alkaloids, glucosides, and potassium iodide, alcohol and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels, and in the accompanying circulars and card, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatism. An excellent treatment for Lumbago, Inflammatory, Muscular and Sciatica Rheumatism. * * * Our Sarsaparilla. A Splendid Tonic for the system. * * * valuable in restoring and invigorating the whole system. Aids in the relief of run down conditions from Gastric Disturbances. Many nervous conditions. Muscular Rheumatism. * * * General Debility. A

Stimulant to the Skin. * * * Also of Dandelion, which acts directly on the Liver stimulating action;" (bottle label) "A Laxative to the Liver. A Stimulant to the Skin. An Aid to * * * Malaria * * * Nervous Headache, Indigestion and Dyspepsia, Rheumatism. An excellent treatment for Lumbago, Inflammatory, Muscular and Sciatica Rheumatism. * * * An Excellent Tonic for the System;" (white circular, p. 2) "Testimonials From Persons Who Have Used Emerson's Sarsaparilla For Rheumatism. * * * I wish to add my testimonial to your list * * * I suffered with catarrh for 30 years, * * * I took eight bottles of your Sarsaparilla and it has cured me entirely of catarrh, * * * Your Sarsaparilla not only cured me entirely of catarrh, but it cured me of rheumatism that I had suffered with for eight years. * * * I do not believe that there is a medicine that is equal to your Sarsaparilla for kidney and liver troubles. * * * I have had insomnia for many years, hemorrhoids for the last twenty-five years. * * * I commenced taking Emerson's Sarsaparilla and began to feel better before I had taken a whole bottle. I first began to sleep better, then the stiffness in my left leg and the pain between my shoulders quit, my headaches almost wholly stopped, * * * the rheumatism has gone, the hemorrhoids have nearly all disappeared, and I hardly ever feel any more trouble from constipation. I can say that there is no rheumatism and I feel like a new man, * * * (p. 3) For many months I have been a sufferer with rheumatism and lumbago, was even unable to turn over on my bed with someone to help me. * * * Now, several months after I was cured * * * Testimonials from Persons Who Have Used Emerson's Sarsaparilla for Kidney and Liver Complaint * * * I wish to state I have been taking Emerson's Sarsaparilla for kidney and bladder trouble and it has done wonders for me. * * * I was much troubled with liver trouble but since I have taken Emerson's Sarsaparilla am greatly helped and believe it will completely cure me. (p. 4) Testimonials from Persons Who Have Used Emerson's Sarsaparilla for Indigestion and Dyspepsia. * * * Have been a sufferer from a case of chronic indigestion of long standing. Have used three bottles of Emerson's Honduras Sarsaparilla and am completely cured. * * * Testimonials from People Who Have Used Emerson's Sarsaparilla For * * * Stomach Troubles. * * * I had stomach and Heart trouble for years, the doctors told me I had ulcers of the stomach. I am cured by using Emerson's Sarsaparilla. * * * I have used your wonderful medicine, The Emerson Sarsaparilla, with marked success as a general system tonic and blood purifier * * * Testimonials from Persons Who Have Used Emerson's Sarsaparilla for Malaria-Chills and Fever-Ague, General Debility, Loss of Appetite, Loss of Energy—That Tired Languid Feeling—Flu and General Breakdown. (p. 5) I have had Flu and general breakdown and since I have been taking Emerson's Sarsaparilla I am greatly benefited. * * * Testimonials from Persons Who Have Used Emerson's Sarsaparilla for Various Ailments and as a General Tonic for the System. * * * I was all run down from malaria and chills and fever, the first bottle of your medicine did me so much good * * * It has been over a year since using my last bottle and wish to obtain more as a tonic during the heated term. * * * (p. 6) Testimonials From Persons Who Have Used Emerson's Sarsaparilla for Nervous Troubles, Nervous Headaches and Nervous Prostration * * * Testimonials From Persons Who Have Used Emerson's Sarsaparilla for Asthma * * * Testimonials from Persons Who Have Used Emerson's Sarsaparilla For Goitre and Eczema * * * (p. 7) I used Emerson's Sarsaparilla when I was so run down could not walk alone. Now I am strong and feeling just fine due to the medicine mentioned above. I was suffering with goitre. * * * I was troubled with eczema for years so bad at times that I had to have my hair shingled off. Can say that Emerson's Sarsaparilla has entirely cured me. * * * Testimonials from Persons Who Have Used Emerson's Sarsaparilla for Salt Rheum * * * Testimonials from Persons Who Have Used Emerson's Sarsaparilla for Female Complaints * * * I have used your Emerson Honduras Sarsaparilla for * * * Female Troubles * * * Have used three bottles and am for the first time in years restored to perfect health. * * * I wish to write * * * I doctored several weeks * * * for gall bladder troubles * * * Now I am feeling well, * * * (p. 8) How to Get Health and How to Keep It * * * The Lesson is this:—'Keep your system pure and clean and you will have health and strength to gain and enjoy happiness, success and length of years.' * * * How Can I Keep My System Pure? * * * How Does the Liver Purify? * * * Functions of Gall Blad-

der * * * Nature's Danger Signals * * * How to make the Bile Flow
 * * * Emerson's Sarsaparilla * * * It increases the flow of the bile
 from the gall-bladder * * * and also serves as an intestinal antiseptic.
 * * * Emerson's Sarsaparilla, one of the most important of all family
 medicines, for it is needed in many cases of sickness, and, if used promptly, may
 prevent many cases of serious illness;" (yellow circular) "Emerson's Honduras
 Sarsaparilla Compound * * * the home treatment of Muscular and Sciatic
 Rheumatism, Indigestion, Dyspepsia, * * * Malaria, Dengue and Swamp
 Fever, and as a general tonic. * * * A Stimulant to the Skin, a Treatment
 for Torpid Liver * * * for Stomach and Bowel Troubles. As a Tonic and
 System Purifier, * * * The Stomach—The Stomach is liable to affections
 which produce weakness, pain and distress. This may exist in an acute form,
 and depends upon some condition, either local or general, which incites a
 congested condition of the circulation in the walls of the stomach. Bilious-
 ness—A bilious condition is indicated by loss of appetite, pain in the side, back
 * * * Constipation * * * manifest themselves in Boils, Blotches,
 Pimples and Sores. Inflammation of the Bowels and Liver may also result, and
 the absorption of bile and uric acid by the blood may become the source of
 rheumatic and neuralgic affections. * * * Dr. Ray in his private practice,
 used this prescription * * * in the treatment of certain forms of kidney,
 stomach, bladder and blood disorders;" (yellow circular, entirely in German,
 apparently same statements as those quoted above); (yellow card, inclosed in
 separate carton in same shipment) 'The King of Blood Purifiers and
 Nerve Tonics' * * * in invigorating the Blood and restoring natural
 strength to Old and Young. * * * You need it if suffering from Blood
 Impurities. * * * works on the * * * Stomach, Liver, Kidneys, Blood
 and Nerves thoroughly cleansing the entire system at one time. * * *
 Emerson's Honduras Sarsaparilla Compound is a Specific for Rheumatism,
 Lumbago, Kidney Troubles, Torpid Liver, Gravel, Inflammation, Ulceration,
 Catarrh, Bladder and all Urinary Diseases. It is highly recommended in all
 cases of 'Bright's Disease,' Biliousness, Malarial Conditions, Impaired Digestion
 or Gout. It Builds up quickly a run down vitality and creates natural sleep
 and rest. In all cases of LaGrippe and Lost Nerve Force * * * To woman-
 hood it relieves those dull headaches and nervous spells almost instantly. To
 manhood it creates strength, vigor and energy."

On June 2, 1930, no claimant having appeared for the property, judgment
 of condemnation and forfeiture was entered, and it was ordered by the court
 that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17388. Misbranding of Dr. Kaufmann's sulphur bitters. U. S. v. 24 Bottles of
 Dr. Kaufmann's Sulphur Bitters. Default decree of condemnation,
 forfeiture, and destruction. (F. & D. No. 24507. I. S. No. 015236. S.
 No. 2798.)**

On February 4, 1930, the United States attorney for the District of Maryland,
 acting upon a report by the Secretary of Agriculture, filed in the District Court
 of the United States for said district a libel praying seizure and condemnation
 of 24 bottles of Dr. Kaufmann's sulphur bitters, remaining in the original
 unbroken packages at Baltimore, Md., alleging that the article had been shipped
 by A. P. Ordway & Co., from New York, N. Y., on or about January 6, 1930,
 and transported from the State of New York into the State of Maryland, and
 charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it con-
 sisted essentially of extracts of plant drugs including aloe, podophyllum, and
 a bitter drug such as gentian, a very small amount of sulphur, alcohol, and
 water.

It was alleged in the libel that the article was misbranded in that the state-
 ment on the label, "Sulphur Bitters," was false and misleading, since there
 was but a minute amount of sulphur present in the preparation. Misbranding
 was alleged for the further reason that the following statements appearing on
 the bottle label and in the accompanying booklet, regarding the curative or
 therapeutic effects of the article were false and fraudulent, since it contained
 no ingredient or combination of ingredients capable of producing the effects
 claimed: (Bottle label) "In obstinate cases of biliousness and costiveness;"
 (booklet) "Sickness and Its Cause. What is the greatest cause of sickness?"
 * * * Poor, thin, vile, vitiated blood. * * * At times we see people who
 are dizzy and have fainting fits. These, when not attended to, will result in a

diseased brain. Now, dear readers, remember what I have told you: Eradicate from your blood all humors; keep it always in a pure condition, and it is then impossible for you to remain long unwell. Dr. Kaufmann's Sulphur Bitters will aid you to do this and keep your blood in a good condition * * * General Wasting Away. How often we see many people thus afflicted, * * * The general symptoms of this disease are impaired digestion, loss of appetite; there is a gradual wasting away of the whole body, loss of strength, a languid feeling, hectic fever, difficult breathing, and sometimes a most severe cough. In children, worms will cause a general wasting away. In the last twenty years I have noticed this disease in the young of both sexes, where it has been caused by syphilis or other venereal taint, which has descended to them from their parents. Is not this a most terrible thing for parents to thus infect their own children? And where children are of a scrofulous habit, I have noticed an enlargement of the glands, with a costive state of the bowels, indigestion, appetite good one day and poor the next, pallid or flushed cheeks, emaciated limbs, swelling of the abdomen, and in a great many cases horrible eruptions would break out on the arms and thighs, and in fact all over the body * * * In these cases * * * Dr. Kaufmann's Sulphur Bitters should be freely used; * * * Heartburn. This is a disease of the stomach * * * Use Dr. Kaufmann's Sulphur Bitters. * * * Retention of the Menses (Chlorosis or Green Sickness)—The non-appearance of the monthly evacuation at the natural period is called retention of the menses, and is followed sooner or later by serious ill health. * * * In this disease you should give Dr. Kaufmann's Sulphur Bitters, * * * Painful Menstruation, or Dysmenorrhoea * * * The discharge is scanty at first, and accompanied with grinding or bearing-down pains, which are sometimes as severe as, if not severer than, those of labor. * * * Profuse Menstruation, or Menorrhagia—In an unhealthy state of the system the quantity of menstrual fluid discharged may be increased to such an extent as to cause extreme debility * * * Leucorrhoea, or Whites (Fluor Albus)—Fluor Albus, or Whites, consists of a discharge from the vagina of a milky-white color. * * * Dr. Kaufmann's Sulphur Bitters should always be taken * * * The Turn of Life. The final cessation of the menses is called the Turn of Life, or the critical period of life, * * * Thousands of ladies have sent me letters telling me what good Dr. Kaufmann's Sulphur Bitters have done them during this period. Scabies or Itch * * * Carbuncles * * * Dr. Kaufmann's Sulphur Bitters will aid * * * Chronic Diseases * * * Boils, Furunculus * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters night and morning * * * Pemphigus and Rupia * * * Dr. Kaufmann's Sulphur Bitters will help you. * * * Nursing Sore Mouth, Stomatitis Materna * * * Dr. Kaufmann's Sulphur Bitters Goitre—Bronchocele, or Thick Neck * * * Dr. Kaufmann's Sulphur Bitters * * * Impetigo, Crusted Tetter or Scale * * * Dr. Kaufmann's Sulphur Bitters * * * Pimples * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters three times a day * * * Foul and Offensive Breath * * * Likewise take Sulphur Bitters night and morning * * * Hidden Diseases * * * Dr. Kaufmann's Sulphur Bitters * * * Nervous Diseases * * * Catarrh * * * A teaspoonful of * * * should be taken three times a day * * * Dypepsia, or Indigestion * * * Jaundice * * * Sulphur Bitters acts like magic in jaundice * * * Piles * * * Dr. Kaufmann's Sulphur Bitters should then be used regularly * * * To Mill Operatives, Mechanics, Clerks and all Employed Indoors * * * Ecthyma or Pushes * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters night and morning * * * Sick and Nervous Headache * * * Nightmare * * * Sleep * * * Salt Rheum * * * Keep right on using Dr. Kaufmann's Sulphur Bitters. * * * Canker in the Mouth and Stomach, or Thrush * * * The Blues * * * Mothers * * * Tinea Favus, or Scald-Head * * * Syphilis * * * Liver Complaint, or Biliousness * * * Malaria, Fever and Ague, Intermittent Fever, or Shakes * * * Chronic Ulcers or Old Sores * * * St. Vitus' Dance * * * Rheumatism * * * Chronic Rheumatism * * * Hysteria or Hysterics * * * That Tired and All-Gone Feeling."

On June 6, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17389. Misbranding of Smith's blood, liver, and kidney remedy. U. S. v. 35 Bottles of Smith's Blood, Liver, and Kidney Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24617, 24618. I. S. Nos. 037429, 037430. S. Nos. 2970, 2971.)

On March 18, 1930, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 bottles of Smith's blood, liver, and kidney remedy, in part at Mason, Okla., and in part at Okemah, Okla., alleging that the article had been shipped by Health Aid Laboratories (Inc.), from Dallas, Tex., in 2 shipments on or about January 28, and February 4, 1930, respectively, and transported from the State of Texas into the State of Oklahoma, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, potassium acetate, small amounts of magnesium sulphate, potassium iodide and salicylic acid, alcohol and water.

It was alleged in the libel that the article was adulterated (misbranded) in violation of section 8 of the said act in the case of drugs, in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Blood, Liver and Kidney Remedy * * * This is the most wonderful medicine known for the treatment of all diseases arising from a disordered condition of the Blood, Liver and Kidneys, such as Rheumatism, Neuralgia, Catarrh, Piles, Diarrhea, Venereal Diseases, Chills, Fevers, Stomach and Bowel complaints, Dyspepsia, Indigestion, Constipation, Cleanses the Stomach, regulates the Bowels. For Malaria and Bilious Attacks, Backache, Lumbago, Swimming in Head, * * * Swollen Feet and Ankles, Gas, and Sour Stomach, Gouty Conditions and Dropsy Symptoms, High Blood Pressure, Influenza, Eczema, and is a perfect tonic. It is good for Female Complaints. * * * Smith's Famous Blood, Liver and Kidney Remedy overcomes intestinal sluggishness by causing a normal activity of the liver, increasing the flow of bile, equalizing the portal circulation, thus rendering its effect of a permanent nature, thereby helping to build up the general health. * * * Health Aid * * * This Famous Medicine is Guaranteed to give perfect satisfaction for diseases arising from a disordered condition of the Blood, Liver, Kidneys, and Stomach. * * * Directions: First day, for an adult should be two tablespoonfuls after each meal to start the bile from the liver to remove it from the stomach. * * * In treating Chills, Fevers, Malaria, etc., adults should take two or three tablespoonfuls every two hours until chills and fever stops. In bilious attacks, take two or three tablespoonfuls every two or three hours, * * * until the system is thoroughly cleansed. For children * * * in cases of chills, fevers, constipation, etc., * * * We, the Health Aid Laboratories, Inc., guarantee Smith's Famous Blood, Liver and Kidney Remedy to give perfect satisfaction in treating cases arising from a disordered condition of the Blood, Liver, Kidneys and Stomach. * * * Health."

On May 26, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17390. Misbranding of Dr. Kaufmann's sulphur bitters. U. S. v. 32 Bottles of Dr. Kaufmann's Sulphur Bitters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24509. I. S. No. 012543. S. No. 2792.)

On February 7, 1930, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, praying seizure and condemnation of 32 bottles of Dr. Kaufmann's sulphur bitters, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by A. P. Ordway & Co., from New York, N. Y., on or about July 16, 1929, and transported from the State of New York into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including aloe, podophyllum, and a bitter drug such as gentian, a very small amount of sulphur, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Sulphur Bitters," was false and misleading, since there was but a minute amount of sulphur present in the said article. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "In obstinate cases of biliousness and costiveness;" (booklet) "Sickness and Its Cause. What is the greatest cause of sickness? * * * Poor, thin, vile, vitiated blood. * * * At times we see people who are dizzy and have fainting fits. These, when not attended to, will result in diseased brain. Now, dear readers, remember what I have told you: Eradicate from your blood all humors; keep it always in a pure condition, and it is then impossible for you to remain long unwell. Dr. Kaufmann's Sulphur Bitters will aid you to do this and keep your blood in a good condition. * * * General Wasting Away. How often we see many people thus afflicted. * * * The general symptoms of this disease are impaired digestion, loss of appetite; there is a gradual wasting away of the whole body, loss of strength, a languid feeling, hectic fever, difficult breathing, and sometimes a most severe cough. In children, worms will cause a general wasting away. In the last twenty years I have noticed this disease in the young of both sexes, where it has been caused by syphilis or other venereal taint, which has descended to them from their parents. Is not this a most terrible thing for parents to thus infect their own children? And where children are of a scrofulous habit, I have noticed an enlargement of the glands, with a costive state of the bowels, indigestion, appetite good one day and poor the next, pallid or flushed cheeks, emaciated limbs, swelling of the abdomen, and in a great many cases horrible eruptions would break out on the arms and thighs, and in fact all over the body. * * * In these cases * * * Dr. Kaufmann's Sulphur Bitters should be freely used; * * * Heartburn. This is a disease of the stomach * * * Use Dr. Kaufmann's Sulphur Bitters. * * * Retention of the Menses (Chlorosis or Green Sickness)—The non-appearance of the monthly evacuation at the natural period is called retention of the menses, and is followed sooner or later by serious ill health. * * * In this disease you should give Dr. Kaufmann's Sulphur Bitters. * * * Painful Menstruation, or Dysmenorrhoea * * * The discharge is scanty at first, and accompanied with grinding or bearing-down pains, which are sometimes as severe as, if not severer than, those of labor. * * * Profuse menstruation, or Menorrhagia—In an unhealthy state of the system the quality of menstrual fluid discharged may be increased to such an extent as to cause extreme debility * * * Leucorrhoea, or Whites (Fluor Albus)—Fluor Albus, or Whites, consists of a discharge from the vagina of a milky-white color. * * * Dr. Kaufmann's Sulphur Bitters should always be taken. * * * The Turn of Life. The final cessation of the menses is called the Turn of Life, or the critical period of life, * * * Thousands of ladies have sent me letters telling me what good Dr. Kaufmann's Sulphur Bitters have done them during this period. Scabies or Itch * * * Carbuncles * * * Dr. Kaufmann's Sulphur Bitters will aid * * * Chronic Diseases * * * Boils, Furunculus * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters night and morning * * * Pemphigus and Rupia * * * Dr. Kaufmann's Sulphur Bitters will help you. * * * Nursing Sore Mouth, Stomatitis Materna * * * Dr. Kaufmann's Sulphur Bitters Goitre—Bronchocele, or Thick Neck * * * Dr. Kaufmann's Sulphur Bitters Impetigo, Crusted Tetter or Scale * * * Dr. Kaufmann's Sulphur Bitters * * * Pimples * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters three times a day * * * Foul and Offensive Breath * * * likewise take Sulphur Bitters night and morning * * * Hidden Diseases * * * Dr. Kaufmann's Sulphur Bitters * * * Nervous diseases * * * Catarrh * * * A teaspoonful of * * * should be taken three times a day * * * Dyspepsia, or Indigestion * * * Jaundice * * * Sulphur Bitters acts like magic in jaundice * * * Piles * * * Dr. Kaufmann's Sulphur Bitters should then be used regularly * * * To Mill Operatives, Mechanics, Clerks, and All Employed Indoors * * * Ecthyma or Pushes * * * Take a teaspoonful of Dr. Kaufmann's Sulphur Bitters night and morning * * * Sick and Nervous Headache * * * Night-mare * * * Sleep * * * Salt Rheum * * * Keep right on using Dr. Kaufmann's Sulphur Bitters * * * Canker in the Mouth and Stomach,

or Thrush * * * The Blues * * * Mothers * * * Tinea Favus,
 or Scald-Head * * * Syphilis * * * Liver Complaint or Biliousness
 * * * Malaria, Fever and Ague, Intermittent Fever, or Shakes * * *
 Chronic Ulcers or Old Sores * * * St. Vitus' Dance * * * Rheumatism
 * * * Chronic Rheumatism * * * Hysteria or Hysterics * * *
 That Tired and All-Gone Feeling."

On May 26, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17391. Misbranding of Nip-a-Co capsules. U. S. v. 16 Dozen Packages of Nip-a-Co Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24619. I. S. No. 022895. S. No. 2968.)

On March 15, 1930, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 dozen packages of Nip-a-Co capsules, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Frederick Stearns & Co., from Detroit, Mich., on or about December 4, 1929, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetphenetidin (1.1 grains per capsule), acetylsalicyclic acid, cinchonine, capsicine, resins, camphor, and mydriatic alkaloids.

It was alleged in the libel that the article was misbranded in that it contained acetphenetidin, a derivative of acetanilide, and its derivation was not stated on the label. Misbranding was alleged for the further reason that the statement appearing on the carton label, namely, "A rational treatment for the relief of * * * neuralgia, la grippe," was false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17392. Misbranding of Stone's capsules. U. S. v. 137 Cartons of Stone's Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24190. I. S. No. 04851. S. No. 2418.)

On October 30, 1929, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 137 cartons of Stone's capsules, remaining in the original unbroken packages at Jasper, Tex., alleging that the article had been shipped by Allen & Co., St. Louis, Mo., on or about August 27, 1929, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the capsules contained acetanilide, cinchonine, caffeine, and extracts of plant drugs including a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statement appearing on the label, regarding the curative and therapeutic effects of said article, was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "An aid in treating Lagrippe (and) Flu."

On April 24, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17393. Misbranding of Ponca compound. U. S. v. 11 Boxes of Ponca Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24721. I. S. No. 037326. S. No. 3071.)

On April 14, 1930, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation

of 11 boxes of Ponca compound at Wichita, Kans., alleging that the article had been shipped by the Mellier Drug Co., St. Louis, Mo., on or about July 27, 1929, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained sodium bicarbonate, sulphur, and extracts of plant drugs.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Uterine, alternative for leucorrhœa, dysmenorrhœa, amenorrhœa, metritis, endo-metritis, menorrhagia, irregular menstruation, subinvolution, painful pregnancy."

On June 18, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17394. Adulteration and misbranding of Takara antiseptic powder. U. S. v. 3 Dozen Cans of Takara Antiseptic Powder, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 23780, 23794. I. S. Nos. 0125, 06378, 06379. S. Nos. 1967, 2016.)

On May 29 and June 5, 1929, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 9 dozen small-sized and 28 dozen large-sized cans of Takara antiseptic powder, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Takara Laboratories, from Portland, Oreg., in various consignments on or about March 21, April 16, April 19, and May 9, 1929, respectively, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of a mixture of boric acid, aluminum ammonium sulphate, zinc sulphate, phenol, and traces of volatile oils including menthol. Bacteriological examination showed that a solution of one teaspoonful of the article in a pint of water was not antiseptic.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely: "Takara antiseptic powder can also be used * * * as a solution, a heaping teaspoonful to a quart of hot water. * * * Antiseptic Powder (douche) efficient speedy reliable. * * * Possesses extraordinary * * * germicidal properties particularly indicated in all vaginal infections. * * * Can be used where an antiseptic is indicated."

Misbranding was alleged for the reason that the above-quoted statements appearing in the labeling were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the can label and in the accompanying circular, were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "Indicated in the treatment of Leucorrhœa and Inflamed Catarrhal or Ulcerated Conditions of Mucous Membranes. * * * particularly indicated in all Vaginal Infections and Female Troubles * * * is recommended in the treatment of leucorrhœa, vaginitis, inflamed, ulcerated or catarrhal conditions of mucous membranes. No woman * * * will fail to appreciate the * * * healthy condition produced by the use of Takara Antiseptic Powder. Its use promptly relieves soreness and discomfort. Takara Antiseptic Powder possesses extraordinary * * * healing properties;" (circular) "Skin Irritations—To allay * * * inflammation, bathe affected parts with a solution of * * * Takara Powder in * * * cold water."

On June 17, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17395. Misbranding of Make-Man tablets. U. S. v. 69 Dozen Packages of Make-Man Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24498. I. S. No. 029539. S. No. 2787.)

On or about February 15, 1930, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 69 dozen packages of Make-Man tablets, remaining in the original unbroken packages at Lawrenceburg, Ind., alleging that the article had been shipped by the Make-Man Tablet Co., from Chicago, Ill., on or about October 29, 1929, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained ferrous (iron) carbonate, arsenic trioxide, strychnine, sulphates, and starch, coated with calcium carbonate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article appearing on the label and in the accompanying circular were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label on tin) "Make-Man Tablets. Blood and Strength Builder, Recommended for Treatment of diseases due to impoverished blood such as anæmia. * * * have restored many sufferers to Health, Strength and Happiness. * * * Make-Man Tablets A Distinctive Iron Tonic. These tablets are recommended as an excellent blood tonic and will restore sufferers to Health, Strength and Happiness;" (circular) "A Safe, Effective and Beneficial Iron Tonic for the Treatment of the Blood. General Tonic for Men and Women. These tablets are Blood Builders. Recommended for the treatment of diseases due to impoverished blood, such as Anæmia, Loss of Appetite. Make-Man Tablets have restored many a sick sufferer to Health, Strength and Happiness. * * * Make-Man Tablets are intended to build up the blood, and where the case is stubborn and of long standing two tablets should be taken $\frac{1}{2}$ hour * * * Take the Make-Man Tablets regularly and don't miss a day * * * to get best results. * * * By following our treatment * * * for you to retain a good physical and mental condition and to keep looking and feeling fine for many years."

On June 28, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17396. Misbranding of Cow Tone. U. S. v. 20 Large-Sized Cans, et al., of Cow Tone. Default decree of forfeiture and destruction. (F. & D. No. 23675. I. S. No. 09209. S. No. 1910.)

On May 4, 1929, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 large-sized cans and 12 small-sized cans of Cow Tone at La Crosse, Wis., alleging that the article had been shipped by Our Husbands Manufacturing Co., from Lyndon, Vt., on or about January 25, 1929, and transported from the State of Vermont into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (49 per cent), magnesium sulphate (45 per cent), sodium thiosulphate (5 per cent), potassium nitrate (1 per cent), and small amounts of nux vomica and fenugreek.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the can labels and in the accompanying booklet were false and misleading and deceived and misled the purchasers: "Cow Tone the Milk Producer * * * Great Milk Producer Increase the Milk * * * Cow Tone, make them rugged, increase their milk production * * * Cow Tone furnishes * * * milk producing qualities available to them otherwise only when they are on green feed, * * * milk producing cow is your profit. Cow Tone is milk producer. We guarantee that Cow Tone is not adulterated or misbranded in accordance with the meaning of the Federal Food and Drug Act;" (booklet accompanying shipment) "The Secret of Success in the Science of Milk Making * * * You are really

anxious to make more profit in making milk, we are really anxious to help you. Milk producer * * * Profit Maker. Nothing has been so consistently popular as Cow Tone in making milk, because there is nothing else so consistently good. Takes the place of green pastures in making milk and making it pay. * * * Cow Tone Milk Producer and Profit Maker. * * * Make your cows pay you profits. * * * It is true that it will help her, but feed it to the average producing cow for the extra milk it will produce. * * * Give a tablespoonful twice a day to each cow and you will get returns in added milk production. Cow tone supplies the things a cow needs." Misbranding was alleged for the further reason that the following statements appearing on the labels of the small and large cans and in the booklet accompanying the shipment, regarding the curative and therapeutic effects of the article, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small and large cans) "Cow tone * * * Tends to keep your cows healthy and rugged * * * tends to make your cows fit * * * and to ward off diseases to which all cows are liable * * * Has been used by dairymen throughout the country in keeping their cows well. * * * healthy;" (booklet accompanying shipment) "Cow Tone * * * Keep all your cows in healthy, rugged, milk producing and calf bearing condition. * * * Cow tone * * * correct conditions that interfere with the proper working of a cow's digestion and milk organs, you get more milk from the same cows, use only the same amount of feed, and get more profit for yourself. Their value as health builders is well established * * * Lack of full milk producing power causes dairy losses. Profits slip away when there are low producing cows in the herd. These products of ours have earned the right to the high place they fill in successful dairy work, in restoring and increasing the power to produce milk. * * * Her health and general condition will tell the story of whether she can or cannot give you back full returns for the costly feeds you give her. She will put more milk in the pail when she is feeling right. Retarded digestion, to which all cows are subject on account of the large amount of food they naturally take, will keep a cow from feeling right. This weakness, often overlooked, may hold her up an hour more in her digestive work and she goes off her feed. If plugged with constipation, or distressed with painful udder, sore or inflamed teats, she honestly lacks the power to produce her extra milk. She cannot help you as she would if free from these troublesome conditions. But you can help her. Get after such cows with Cow Tone mixed in the grain and correct the drawbacks * * * Don't expect them when off feed or 'out of condition,' to even pay their keep. Put them in the pink of condition. Make them rugged and thrifty. Give them vigor and resistance to disease and you get your real returns in abundance of milk. * * * gain in looks, health and strength, and that the cows freshen in better shape, on account of good physical condition where Cow Tone is mixed in the food. * * * The result is a herd that is always in prime condition. * * * These cows * * * have been brought to their present pink of condition through the use of Cow Tone. * * * There is no profit in the ailing, unthrifty cow. * * * Cow Tone, an appetizer and regulator, to put in shape to resist disease and become a milk producer and profit maker for you. * * * Cow Tone is the most successful of all preparations on the market for the treatment of cow disorders. * * * When a tablespoonful of this powder is carefully and thoroughly mixed in the grain it reaches the cows' stomachs and dissolves at just the right time and in just the right quantity to start the processes of digestion and gently assist elimination. As a tonic or regulator cows do not need more than a tablespoonful twice a day. Thin, impoverished cows, those off feed, and those diseased and in bad shape, should be given more until they are again in prime condition. * * * Cow troubles * * * Contagious Abortion * * * A cow who has once been affected is thereafter usually immune from further attacks, but the ravages of the disease leave her weakened and run down, and it is only through convalescence and a final return to health and vigor after the disease has 'worn itself out' that the cow can again become profitable. During this period Cow Tone should be given regularly in accordance with directions. Thereby a better appetite will be induced, the vitality of the cow markedly improved and vigorous health restored. Such vigor and health are the necessary founda-

tions of the dairymen's prosperity. A listless, debilitated, sick or ailing cow gives but little milk and constitutes the continuing loss of profits for its owner."

On June 22, 1929, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17397. Misbranding of Gen Sen tonic and Beach's Wonder oil. U. S. v. 66 Bottles of Gen Sen Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24572, 24573, 24574. I. S. Nos. 04017, 04018, 04019. S. Nos. 2865, 2866.)

On February 28, 1930, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 102 bottles of Gen Sen tonic and 8 bottles of Beach's Wonder oil, remaining in the original unbroken packages at Macon, Ga., alleging that the articles had been shipped by Beach's Wonder Remedy Co., from Columbia, S. C., in part on or about January 25, 1930, and in part on or about January 27, 1930, and transported from the State of South Carolina into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Gen Sen tonic consisted essentially of magnesium sulphate, extracts of plant drugs including aloe and senna, small amounts of alkaloids and benzoic acid, volatile oils including oil of anise, and water; and Beach's Wonder oil consisted essentially of gasoline, kerosene, and volatile oils including oil of sassafras.

It was alleged in the libels that the Gen Sen tonic was misbranded in that the statement appearing in the circular accompanying the article, namely, "It is composed entirely of Roots, Herbs, Gums, Barks and Berries," was false and misleading.

Misbranding was alleged with respect to both products for the reason that the following statements regarding the curative and therapeutic effects of the articles, appearing in the labeling, were false and fraudulent, in that the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Gen Sen tonic, bottle label) "Tonic * * * Kidney and Bladder Trouble, Rheumatism, Impure Blood * * * Sluggish or Torpid Liver, Constipation, Loss of Appetite, Indigestion, Female Trouble or Weakness, Worms in Children;" (Gen Sen tonic, carton label) "Tonic * * * Kidney and Bladder Trouble, Rheumatism, Impure Blood * * * Sluggish or Torpid Liver * * * Indigestion, Female Trouble or Weakness, Worms in Children * * * A Constructive Tonic * * * for Enriching the Blood, Building the Strength and Improving the Health in General;" (Gen Sen tonic, circular) "Tonic. Cures Calculous Affection, Chronic Inflammation and Ulceration of the Kidneys and Bladder, * * * Rheumatism * * * This should be dissolved and carried out of the blood before it precipitates this crystallized matter, similar to sand, in your Kidneys and Bladder, or around your joints; if deposited in the Kidneys, will cause a matteration or sloughing off which is incurable. * * * It is sure Rheumatism or Kidney Disease to take cold when Uric or Lactic Acid is in the blood. From a Celebrated Writer on Education: 'Look around you today and note the few long lived persons you meet, the puny and sickly children you encounter, the number of delicate young men and woman and the fearful increase of consumption. * * * We answer, weak, watery blood, no benefit received from your food. * * * Would you know why our graveyards are becoming filled so rapidly, poor-houses crowded and pauperism on the increase? We answer, this poison in the blood * * * This poison vitiates and corrupts the entire physical system; * * * If you will try this great Gen-Sen you will be convinced, * * * Symptoms of Worms.—No other disease is so fatal to children as Worms. Unfortunately, they are seldom free from them; * * * Worms are not confined exclusively to children, for adults suffer * * * Here is Our Basis for Curing. We only Doctor the Three Great Organs and the Blood * * * benefit Rheumatism, Catarrh, Liver Disease, Bladder Disease, Nervous Diseases, Dyspepsia, Malaria, Scrofula, Syphilis, Blood Poison, LaGrippe, Ovarian Troubles, Piles, either Itching, Bleeding or Blind, * * * and Female Troubles. * * * Gen-Sen was found to feed and vitalize the system and destroy the microbe;" (Beach's Wonder oil, bottle label) "In case of severe pain;" (Beach's Wonder oil, carton label) "In case of severe pain

* * * Pain-Killer ;" (Beach's Wonder oil, circular) " Directions for External Use * * * Asthma, Hay Fever, * * * Deafness * * * Coughs * * * Neuralgia * * * Toothache * * * Sore Throat * * * Tonsillitis, Mumps * * * Hernia or Rupture * * * Pneumonia, Pleurisy, Bronchitis or Lung Pains * * * Boils, Abscesses, Ulcers, Fellons or Carbuncles * * * Eczema, Itch, * * * Tetter and Ringworm.—Beach's Wonder Oil * * * Pains or Soreness across the Kidneys * * * Croup and Whooping Cough * * * Varicose Veins * * * Stiff Joints * * * Inflamed Glands or Swelling * * * Abdominal or Ovarian Pains * * * Bunions * * * Ingrowing Nails."

On May 31, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17398. Adulteration and misbranding of Dr. Hollie's Reduso wafers. U. S. v. 2 Dozen Packages of Dr. Hollie's Reduso Wafers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24224. I. S. No. 011264. S. No. 2470.)

On November 16, 1929, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen packages of Dr. Hollie's Reduso wafers, remaining in the original unbroken packages at Denver, Colo., consigned by the Natural Food Products Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about October 9, 1929, and transported from the State of California into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted of a cracker containing an extract from a laxative plant drug.

It was alleged in the libel that the article was adulterated in that a substance, namely, an extract from a laxative plant drug, had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained an added deleterious ingredient, namely, an extract from a laxative plant drug, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Wafers," was false and misleading, and deceived and misled the purchaser when applied to an article containing an extract of a laxative plant drug. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the carton and in the accompanying circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Reduso Wafers * * * For best results we recommend two with every meal;" (circular) "Dr. Hollie's Reducing Wafers. Goodbye Fat. Dr. Hollie's Reducing Wafer will do it. Take two or three of Dr. Hollie's Reducing Wafers with every meal. They will not only reduce, but help build up the general condition of health and beauty."

On June 10, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17399. Adulteration and misbranding of Epicol. U. S. v. 76 Bottles of Epicol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23475. I. S. No. 05300. S. No. 1647.)

On March 1, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 76 bottles of Epicol at Chicago, Ill. On May 16, 1929, an amended libel was filed. It was alleged in the libel as amended that the article had been shipped by the Epicol Products Co., from Minneapolis, Minn., on January 30, 1929, and transported from the State of Minnesota into the State of Illinois, and that it was adulterated and misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, sodium chloride, saccharin, volatile oils,

including oil of cassia, menthol, and methyl salicylate, a trace of borax, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

Adulteration of the article was alleged in the libel as amended for the reason that it was sold under the following standard, "Antiseptic Salt Solution * * * Epicol is the original antiseptic saline solution," whereas it fell below such professed standard, since it was not antiseptic.

Misbranding was alleged for the reason that the statement on the label of the carbon containing the article, "Antiseptic Salt Solution * * * purifies * * * disinfects the oral cavity," and the statement on the accompanying circular, "Epicol is the * * * antiseptic saline solution," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the containers and in the accompanying circular, were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth and falsity, so as to represent falsely and fraudulently to purchasers that the article was composed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle) "Healing Saline Solution * * * Pyorrhea * * * Spongy Bleeding Gums, Sore Throat, Tonsilitis, Nasal Catarrh. Bad Breath, * * * Sore Throat, Tonsilitis—Gargle or spray throat with Epicol * * * Influenza, Grippe—A clean mouth, nose and throat is the best preventative. Gargle or spray with Epicol * * * Pyorrhea—Use Epicol daily, full strength, * * * Hold in mouth for a few minutes, working it thoroughly between and around the teeth. Bad Breath—Use Epicol * * * full strength. * * * Nasal Catarrh—Dilute Epicol * * * spray nose regularly * * * Spongy, Bleeding Gums—Use Epicol," (carton) "For Mouth, Nose, Throat * * * Healing * * * Physiological Salt Solution for Mouth, Nose, Throat * * * Epicol Makes the gums firm and healthy, prevents receding. Soft, spongy, bleeding gums are the first indication of pyorrhea. * * * purifies * * * the breath. Heals and hardens gums irritated by new plates. Hastens the healing process, lessens the danger of infection following extractions. Poison from diseased gums and infected tonsils, absorbed by the system causes indigestion, stomach ulcers, stomach catarrh, nervousness. Mouth Cleanliness is vital to good health. Epicol tones and stimulates the tissues of the mouth to healthy activity. * * * purifies and disinfects the oral cavity * * * Relieves sore throat and tonsilitis when used as a gargle or in a spray. Prevents the ready formation of tartar;" (circular) "Epicol is the * * * antiseptic saline solution for * * * the mouth, nose and throat."

On April 21, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17400. Misbranding of cholera tablets, roup powder, roup spray, and vapor balm. U. S. v. 280 Dozen Cartons of Cholera Tablets, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 24643, 24644, 24645, 24646, 24708, 24709, 24710, 24711. I. S. Nos. 018819, 018820, 018821, 018827, 022618, 022619, 022620, 022621. S. Nos. 2974, 2981, 2983, 2990, 3039, 3040, 3041, 3042.)

On April 5 and April 7, 1930, respectively, the United States attorneys for the District of Colorado and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States aforesaid libels praying seizure and condemnation of 280 dozen cartons and 128 dozen tins of cholera tablets, 345 dozen jars of vapor balm, 113 dozen bottles of roup spray, and 60 dozen cartons and 37 dozen boxes of roup powder, remaining in the original unbroken packages, in part at Denver, Colo., and in part at Oakland, Calif., consigned by the W. T. Rawleigh Co., Freeport, Ill., alleging that the articles had been shipped in interstate commerce from Freeport, Ill., into the States of Colorado and California, respectively, between the dates of September 19, 1929 and March 4, 1930, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the cholera tablets contained calcium phenolsulphonate, calcium carbonate, zinc and bismuth compounds, traces of aluminum, sodium and potassium compounds, and

talc, colored with amaranth; the roup powder consisted essentially of copper sulphate, potassium permanganate, and sodium sulphate; the roup spray was an emulsion containing phenols, volatile oils including camphor and eucalyptus oil, soap, and water; and the vapor balm consisted essentially of petrolatum and volatile oils including camphor, methyl salicylate, turpentine oil, and eucalyptus oil.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Roup powder, label) "Roup Powder * * * Roup.—Separate sick birds from others. * * * In severe cases bathe head and eyes * * * Preventing Roup. * * * This also prevents colds when flock has been exposed to storms or sudden changes of weather. Canker * * * and apply to canker. This should relieve condition in a short time;" (circular) "The Prevention and Cure of Roup. Roup is contagious and infectious, and is very difficult to handle because of the number of contributing causes besides the infection that is the immediate cause. * * * factors entering into the cause of roup. * * * to prevent and control roup successfully. Medicinal treatment without particular attention to these factors will be only partially successful—the birds develop a chronic form or become reinfected from time to time, thus keeping the disease in the flock for some time. * * * subject to roup as well as many other poultry ailments. Roup is usually a winter or early spring disease * * * A study of the housing conditions of most flocks affected with roup * * * Many poultry owners attempt to cure roup * * * Maintaining Flock's Vitality. Poultry with lowered vitality, the result of disease or the presence of some external or internal parasite, are very good subjects for roup during the winter. It is highly desirable to keep the flock healthy at all times and prevent those diseases which would weaken the birds to the point where they are likely to contract roup. * * * Flocks which previously suffered from any of these diseases are very susceptible to roup in winter. * * * a very good subject for roup. * * * for the prevention and cure of roup, you should employ a good medicinal treatment such as Rawleigh's Roup Powder, when an outbreak appears. * * * Roup.—Separate sick birds from others. * * * In severe cases * * * Preventing Roup * * * This also prevents colds * * * Canker,—* * * apply to canker. This should relieve condition in a short time. * * * Diarrhea of Baby Chicks.—Dissolve two level tablespoonfuls Rawleigh's Roup Powder;" (cholera tablets, label) "Cholera Tablets for Poultry * * * Recommended for many conditions of diarrhea, cholera, typhoid and digestive disturbances of poultry and blackhead in turkeys. * * * As a preventative * * * Give to entire flock when diarrhea appears. * * * Separate sick birds as soon as diarrhea or cholera conditions appear. * * * Begin use of Cholera Tablets at once. * * * As a preventative * * * Sick Fowls. * * * Blackhead in Turkeys. As for sick fowls;" (cholera tablets, circular) "Cholera Tablets for Poultry * * * Watch for Intestinal Trouble in Chicks. As a treatment for intestinal trouble in baby chicks use Rawleigh's Cholera Tablets for Poultry, which is a non-poisonous intestinal antiseptic * * * until they take effect. * * * many baby chicks that would, under ordinary conditions be lost, can usually be saved. * * * Rawleigh's Cholera Tablets for Poultry is a useful treatment for certain bowel conditions of baby chicks and poultry. Also for cholera-like diseases, fowl typhoid, inflammation of the bowels (enteritis) and blackhead in turkeys. Rawleigh's Cholera Tablets are nonpoisonous and must be given in sufficient amounts to be effective against the disease-producing germs that gain entrance to the intestinal tract of poultry. * * * Rawleigh's Cholera Tablets should be used at the first sign of bowel trouble among the chicks. * * * Separate the sick birds from the well ones as soon as any bowel trouble is noticed, or cholera-like diseases appear in the flock. * * * For Sick Birds * * * Birds that are unable to eat or drink should have the remedy given them by hand. * * * In exceptionally severe cases * * * For Black Head in Turkeys * * * Separate the sick birds;" (roup spray, label) "Roup Spray For Colds, Flu, Bronchitis, etc., of Poultry * * * healing * * * when breathed by the affected birds. * * * when flocks are badly affected;" (circular accompanying portion of roup spray) "Roup Spray for roup, colds, flu, bronchitis and inflammation of the breathing organs of poultry. Roup, colds, and inflammations of the breathing system of poultry are of great importance to the owner. These diseases occur * * * they really required a local treat-

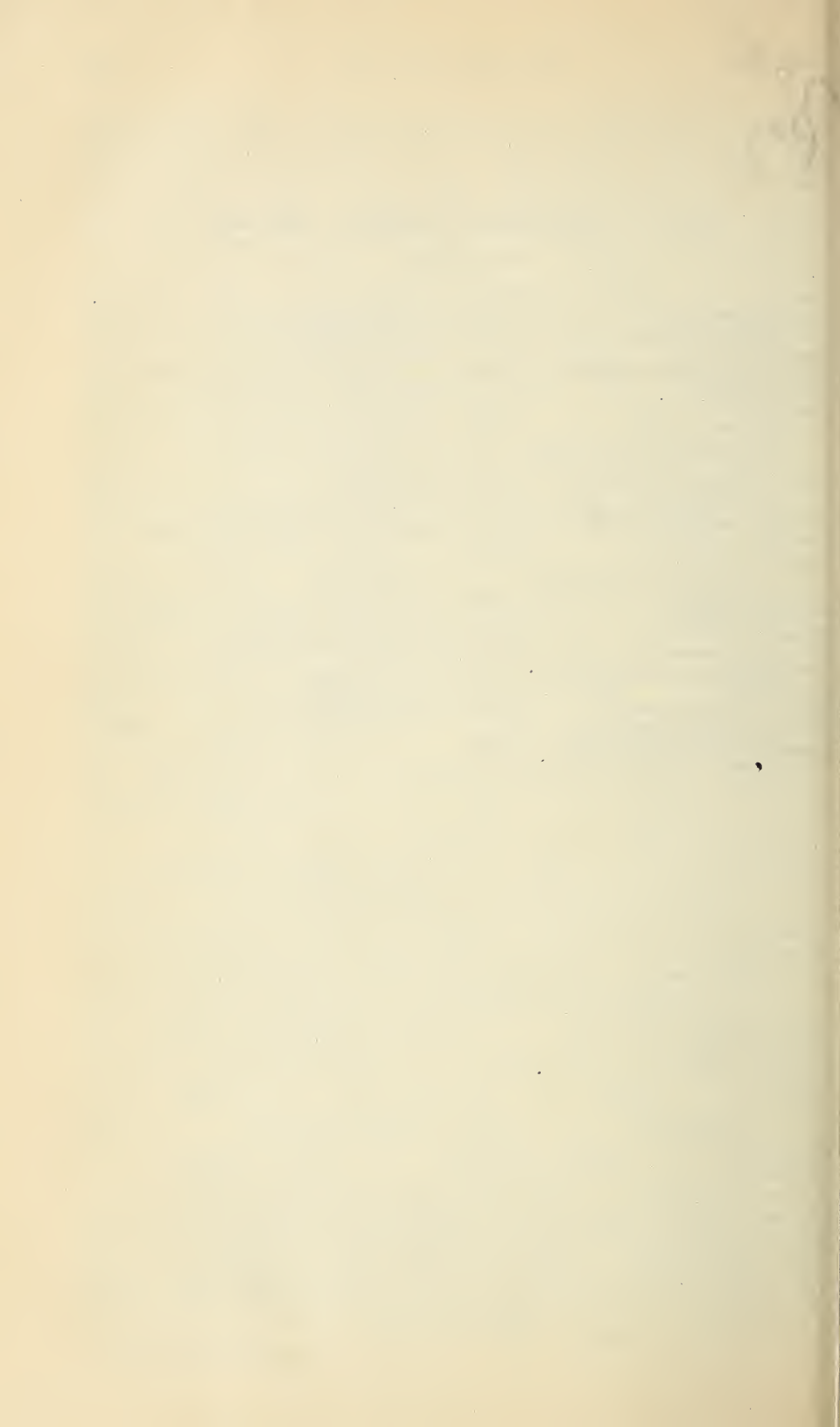
ment in order to get satisfactory results. * * * medicating the air they breathe with a spray of healing and antiseptic oils would be the most satisfactory method of reducing these ailments. Results secured have proved this conclusion sound and practical. * * * Roup. Roup is one of the most serious diseases of poultry. It causes heavy losses in production as well as the death of many of the flock. In many flocks it begins with a cold, * * * several forms of roup, such as ocular, diphtheritic, etc., * * * The nostrils fill up with mucus, the eyes develop ulcers and the collection of secretion below the eyes sometimes becomes great enough to force the eyeball out of the socket; there may be ulcers in the throat and there is a characteristic odor. Poultry keepers who have had experience with roup can recognize it by the odor. When roup is noticed in the flock birds that are affected * * * The medicinal treatment consists in using Rawleigh's Roup Spray in the air that the poultry breathes, and in the water they drink. Colds of Poultry * * * when the poultry flock has developed a cold is the sneezing of some of the birds. There is also some discharge from the nostrils and the eyes water. Shortly the litter will be noticed sticking to the birds' beaks. * * * Then use Rawleigh's Roup Spray * * * Most outbreaks of roup usually begin with a cold, * * * Flu in Poultry. There is a disease of poultry that is commonly spoken of as Flu; it is characterized by a severe thirst, loss of appetite, a high fever and a rapid loss of flesh. It is evidently due to some form of infection. The birds sneeze and have difficulty in breathing. This disease is not listed * * * many poultrymen have had a disease in their flock showing the general symptoms we have given here and that many of them refer to it as Flu. Remove the affected birds * * * carry out the treatment recommended for roup. Bronchitis of Poultry. This disease of poultry differs from Flu in that the birds develop a rattling in their throat; they show evidence of great difficulty in breathing. This induces choking in the birds which is very evident in many flocks. Birds that are badly affected may stretch their necks, and open their mouths and gasp for air. Flocks affected in this manner should be handled as for Flu and Roup. Individual Treatment. Sick birds may be individually treated by taking a mixture of Rawleigh's Roup Spray 1 * * * affected birds. * * * when flocks are badly affected;" (vapor balm, carton) "Aid to Reduce Inflammation, Congestion and Irritation by inhalation in Asthma, Bronchitis, Catarrh (Nasal) * * * Coughs, Croup (Spasmodic) Laryngitis, Hay Fever, Pneumonia (Incipient), Sore Throat (Simple), Whooping Cough. A Healing * * * Application for Itching Piles, Neuralgia, Rheumatic Pains, Headache * * * Useful as an auxiliary for certain forms of inflammation. * * * especially of the respiratory passages. * * * for * * * ordinary sore throat and acute catarrhal conditions of the respiratory passages;" (vapor balm, jar label) "Useful as an auxiliary for certain forms of inflammation. * * * especially of the respiratory passages. * * * Inhale the vapors of the Balm to carry medication * * * to the seat of trouble;" (vapor balm, booklet) "Reaching the seat of trouble. To reach the seat of trouble is a difficulty in administration of medicines. Some troubles may be reached with external medication. Some medicines reach certain seats of trouble when taken through the stomach. Some troubles are scarcely affected by either method and among these are inflammations. * * * of the respiratory passages. * * * disorders of the respiratory tract are often persistent because difficult to reach * * * By inhaling the vapors of Rawleigh's Vapor Balm the medication of its volatile oils is carried to the membranes of the air passages. * * * External Use and Action. A penetrating, healing * * * Ointment * * * sore throat * * * Asthma * * * Acute Catarrh * * * Bronchitis * * * Coughs * * * Hay Fever * * * Influenza-LaGrippe or Flu * * * Pneumonia * * * Vapor Balm * * * may prevent an incipient attack. * * * Tonsillitis * * * Whooping Cough * * * Breathe in Health * * * Earache * * * Neuralgia, Headache * * * Toothache."

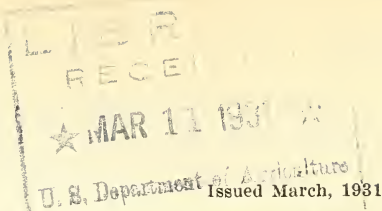
On June 23 and June 30, 1930, respectively, the W. T. Rawleigh Co., Freeport, Ill., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and execution of bonds totaling \$1,675, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17401-17425

[Approved by the Secretary of Agriculture, Washington, D. C., February 19, 1931]

17401. Adulteration and misbranding of evaporated apples. U. S. v. 40 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24191. I. S. No. 020438. S. No. 2437.)

On November 1, 1929, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of evaporated apples, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by A. S. Teasdale, Rogers, Ark., on or about September 26, 1929, and transported from the State of Arkansas into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "New Crop Evaporated Apples Monte Ne Brand Sulphur Bleached."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Evaporated Apples," was false and misleading and deceived and misled the purchaser.

On December 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17402. Misbranding of canned cherries. U. S. v. 482 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24253. I. S. No. 024636. S. No. 2495.)

On November 13, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 482 cases of canned cherries, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by F. B. Huxley & Sons, Ontario, N. Y., on or about August 18, 1929, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Red Robe Brand Pitted Red Cherries Contents 1 Lb. 5 Oz. Haas-Lieber Grocery Co. Distributors, St. Louis, Mo."

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the container, since the statement made was not correct.

On November 18, 1929, the Haas-Lieber Grocery Co., St. Louis, Mo., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17403. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24627. I. S. No. 041304. S. No. 2850.)

On February 11, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 boxes of grapefruit, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by L. E. Snavelly, from Harlingen, Tex., on or about February 4, 1930, and transported from the State of Texas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "La Bonita Brand Blue Ribbon * * * Citrus Fruits * * * Packed by L. E. Snavelly, Harlingen, Texas."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 1, 1930, the American Fruit Growers (Inc.), claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree was entered ordering that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged and the decomposed and dry grapefruit destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17404. Misbranding of cottonseed cake screenings. U. S. v. 380 Sacks of Cottonseed Cake Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24568. I. S. No. 037802. S. No. 2877.)

On February 22, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 380 sacks of cottonseed cake screenings, remaining in the original unbroken packages at Humphreys, Mo., alleging that the article had been shipped by the Graco Milling Co., from Cairo, Ill., on or about February 10, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Graco 43% Brand 43% Protein Prime Cottonseed Cake or Meal Guaranteed Analysis Protein Not Less Than 43%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein Not Less Than 43%," was false and misleading and deceived and misled the purchaser.

On March 1, 1930, the Graco Milling Co., Sherman, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of judgment for the condemnation and forfeiture of the property, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17405. Misbranding of oleomargarine. U. S. v. 5 Cartons, et al., of Oleomargarine. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 24697. I. S. Nos. 023631, 023632. S. No. 3035.)

On April 5, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district libels praying seizure and condemnation of 55 cartons of oleomargarine, remaining in the original unbroken packages at Denver, Colo., consigned by Morris & Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about March

22, 1930, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Retail packages) "1 Lb. Net, Morolo Sweet Nut Margarine Oleomargarine, Morris and Co., Distributors." The remainder of the article was labeled in part: (Retail packages) "Marigold Oleomargarine, 1 Pound Net Weight Morris & Co."

It was alleged in the libels that the article was misbranded in that the following statement borne on the labels, "1 lb. Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of contents, since the statement made was incorrect.

On April 29, 1930, Armour & Co., claimant, having admitted the material allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and execution of bonds totaling \$300, conditioned in part that it be relabeled under the supervision of this department so as to comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17406. Misbranding of winter wheat shipstuff. U. S. v. 26 Sacks, et al., of Winter Wheat Shipstuff. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24765, 24767. I. S. Nos. 038367, 038370. S. Nos. 3122, 3125.)

On May 15, 1930, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 66 sacks of winter wheat shipstuff, remaining in the original unbroken packages, in part at Fayetteville, N. C., and in part at Raleigh, N. C., alleging that the article had been shipped by the Dan Valley Mills, Danville, Va., in 2 consignments, on or about March 28, 1930, and April 16, 1930, respectively, and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Winter Wheat Shipstuff Dan Valley Mills Danville, Va. Guaranteed Analysis Carbohydrates 65.00%, Protein 16.00%, Fat 5.00%, Fiber 8.00%."

Analyses of samples of the article showed it to be deficient in protein.

It was alleged in the libels that the article was misbranded in that the statements on the label, "Guaranteed analysis carbohydrates 65.00%, protein 16.00%, fat 5.00%, fiber 8.00%," were false and misleading and deceived and misled purchasers.

On June 16, 1930, the Dan Valley Mills, Danville, Va., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$200, conditioned in part that it should not be sold in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17407. Adulteration and misbranding of butter. U. S. v. 81 Cases, et al., of Butter. Product released under bond. (F. & D. No. 24825. I. S. Nos. 030449, 039592. S. No. 3059.)

On or about March 27, 1930, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 81 cases each containing 32 pounds, and 120 cases each containing 12 pounds of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Cudahy Packing Co., from Washington Court House, Ohio, on or about March 18, 1930, and transported from the State of Ohio into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "The Cudahy Packing Company Distributors, General Offices, Chicago, U. S. A. Sunlight Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a product containing less than 80

per cent by weight of milk fat had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, butter. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not, but did consist of a product containing less than 80 per cent by weight of milk fat.

On March 28, 1930, the Cudahy Packing Co., Savannah, Ga., claimant, filed an answer admitting the material allegations of the libel, stating that no opposition would be offered to the condemnation of the butter, alleging that the defect therein were the fault of the creamery company, and praying release of the product upon payment of costs and the execution of a good and sufficient bond, conditioned that it would not be sold or disposed of contrary to law. Upon approval of the said bond the court ordered the product released to the claimant.

ARTHUR M. HYDE, *Secreary of Agriculture.*

17408. Adulteration of oranges. U. S. v. 40 Boxes of Oranges. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24673. I. S. No. 041309. S. No. 2928.)

On or about February 19, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 40 boxes of oranges, remaining in the original unbroken packages at St. Joseph, Mo., alleging that the article had been shipped by J. C. Bauer from Alamo, Tex., on or about January 31, 1930, and transported from the State of Texas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Richfield Brand Grapefruit, The R. B. Dublin Co., McAllen, Texas;" (tissue wrapper) "Sum Pak Lower Rio Grande Valley Grapefruit, Alamo, Texas;" and "Valley of Sweet Grown in Lower Rio Grande Valley in Texas."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 4, 1930, the Hunt Bros. Fruit Co., St. Joseph, Mo., having appeared and having admitted the allegations in the libel and consented to the entry of judgment of condemnation and forfeiture, a decree was entered finding that the product was adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17409. Adulteration of grapefruit. U. S. v. 402 Cases of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24841. I. S. No. 012968. S. No. 3021.)

On February 26, 1930, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 402 cases of grapefruit, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by O. S. Perkins from Mission, Tex., on or about February 17, 1930, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it was composed of filthy and decomposed vegetable matter.

On March 4, 1930, B. D. Cook & Co., Wichita, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the

court that the product be released to the said claimant upon payment of costs and the execution of bond in the sum of \$500, conditioned in part that it should not be sold or offered for sale in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17410. Adulteration of canned sardines. U. S. v. 34 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24325. I. S. No. 016951. S. No. 2583.)

On December 11, 1929, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 cases of canned sardines, remaining in the original unbroken packages at Griffin, Ga., alleging that the article had been shipped by the Gurnet Fisheries Co., from Boston, Mass., on or about September 28, 1929, and transported from the State of Massachusetts into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gurnet Brand American Sardines * * * Packed by the Gurnet Fisheries Co., Plymouth, Mass."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance.

On January 29, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17411. Misbranding of vinegar. U. S. v. 20 Cases of Vinegar. Consent decree of condemnation and forfeiture. Product delivered to community fund. (F. & D. No. 23788. I. S. No. 09137. S. No. 2005.)

On June 4, 1929, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases, each containing 2 dozen bottles of vinegar, remaining unsold in the original cases at Detroit, Mich., alleging that the article had been shipped by the Naas Corporation from Cohocton, N. Y., on March 18, 1929, and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Stuben Brand * * * Net Contents One Pint, Reduced Cider Vinegar Fermented, Naas Cider and Vinegar Co., Inc., Cohocton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement "Net Contents One Pint" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 23, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered by the United States marshal to the Detroit community fund.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17412. Adulteration and misbranding of butter. U. S. v. 35 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24844. I. S. No. 025431. S. No. 2897.)

On February 20, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 boxes, each containing thirty-pound prints of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the H. C. Christians Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., February 14, 1930, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Retail package) "I. V. Butter * * * I. V. Horn Co., Buffalo, N. Y., Distributors;" (wholesale package) "H. C. Christians Co., Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was represented to be butter, which representation was false and misleading, since the said article contained less than 80 per cent of milk fat.

On February 28, 1930, Isaac V. Horn, Buffalo, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800. conditioned in part that it be reworked under the supervision of this department so that it conform with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17413. Adulteration of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24819. I. S. No. 036378. S. No. 3141.)

On or about May 12, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Alma Creamery Co., from Alma, Mo., April 24, 1930, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat in that it contained less than 80 per cent of butterfat.

On May 27, 1930, Hunter, Walton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17414. Adulteration and misbranding of jellies. U. S. v. 180 Jars of Crab-apple Jelly, et al. Consent decree of condemnation. Product released under bond. (F. & D. No. 23786. I. S. Nos. 09368, 09369, 09370, 09371, 09372. S. No. 1971.)

On May 27, 1929, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,200 jars of assorted jellies at Little Rock, Ark., alleging that the articles had been shipped by the C. Von Allmen Preserving Co., from Louisville, Ky., on or about March 27, 1929, and transported from the State of Kentucky into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Von Allmen's Pure, Extra Quality Crab-Apple ["Grape," "Raspberry," "Blackberry," or "Currant"] Jelly * * * Manufactured by The C. Von Allmen Preserving Co., Incorporated, Louisville, Ky."

It was alleged in the libel that the said jellies were adulterated in that added pectin, sugar, and acid had been mixed and packed with and substituted in part for the articles.

Misbranding was alleged for the reason that the statements on the labels, "Pure Extra Quality Blackberry Jelly," "Pure Extra Quality Grape Jelly," "Pure Extra Quality Currant Jelly," "Pure Extra Quality Crab Apple Jelly," and "Pure Extra Quality Raspberry Jelly," were false and misleading and deceived and misled the purchaser.

On January 25, 1930, the C. Von Allmen Preserving Co., Louisville, Ky., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and execution of bond in the sum of \$200, conditioned in part that it be relabeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17415. Adulteration of shell eggs. U. S. v. 8 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23862. I. S. No. 08336. S. No. 1946.)

On April 22, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of eggs at Chicago, Ill., alleging that the article had been shipped by the Sturdy Baby Chick Co., Springfield, Ohio, on April 12, 1929, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17416. Adulteration of butter. U. S. v. Wisconsin Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 23764. I. S. No. 020552.)

On February 4, 1930, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wisconsin Creamery Co., a corporation, Sauk City, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about August 6, 1929, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On February 4, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17417. Alleged adulteration of evaporated apples. U. S. v. 175 Boxes, et al., of Evaporated Apples. Tried to the court. Judgments finding product not adulterated and dismissing cases. (F. & D. Nos. 24315, 24316, 24388. I. S. Nos. 04001, 04002, 04007, 04008. S. Nos. 2567, 2641.)

On December 5, and December 19, 1929, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 211 boxes of evaporated apples, remaining in the original unbroken packages in part at Atlanta, Ga., and in part at West Point, Ga., alleging that the article had been shipped by J. W. Blocher, from Bentonville, Ark., on or about September 13, 1929, and transported from the State of Arkansas into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sulphur Bleach Evaporated Apples, Packed by J. W. Blocher, Bentonville, Arkansas."

It was alleged in the libels that the article was adulterated in that excessive water had been mixed and packed with the said article, so as to reduce and lower its quality and strength.

On February 8, 1930, the cases came on for trial before the court. After the introduction of evidence judgments were entered that the product was not adulterated. It was ordered by the court that the said product be delivered to Paradise & Rich and W. E. Edwards & Co., of Atlanta, Ga., and the West Point Wholesale Grocery Co., West Point, Ga., and that the cases be dismissed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17418. Adulteration of cheese. U. S. v. 9 Boxes of Double Daisies Cheese, et al. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 23632. I. S. Nos. 01342, 01343, 01344. S. No. 1862.)

On April 16, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 boxes of double daisies, 8 boxes of twin daisies, and 19 boxes of triple

daisies cheese, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by C. L. Linzmeyer from Wildwood, Wis., on April 4, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Armour & Co., South St. Paul, Minn."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with it and substituted in part for the said article.

On July 18, 1929, Armour & Co., South St. Paul, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reground and disposed of in a manner approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17419. Misbranding of evaporated apples. U. S. v. Standard Apple Products (Inc.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 21556. I. S. Nos. 6706-x, 6707-x.)

On December 6, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Standard Apple Products (Inc.), a corporation, trading at Rochester, N. Y., alleging shipments by said company, in violation of the food and drugs act as amended, on or about November 23, 1925, from the State of New York into the State of North Carolina, of quantities of evaporated apples which were misbranded. The article was labeled in part: "50 Lbs. Net. (or "25 Lbs. Net.") Victor Evaporated Apples Sulphured Packed by Standard Apple Products, Inc. Rochester, N. Y."

It was alleged in the information that the article was misbranded in that the statements, "50 Lbs. Net" and "25 Lbs. Net," borne on the cases containing the article, were false and misleading in that the said statements represented that the cases contained 50 pounds or 25 pounds, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cases contained 50 pounds or 25 pounds, as the case might be, of the article; whereas the said cases contained less than so represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated on the package represented more than the actual contents thereof.

On July 18, 1929, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17420. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24033. I. S. No. 011805. S. No. 2135.)

On July 22, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Stark Creamery Association, from Sleepy Eye, Wis., on July 11, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article; in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted from the said article; and in that it contained less than 80 per cent of butterfat.

On December 14, 1929, B. V. Randack, trading as B. V. Randack & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was

entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so that it contain not less than 80 per cent of milk fat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17421. Misbranding of smoked hams and shoulders. U. S. v. Colonial Provision Co. (Inc.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 23723. I. S. Nos. 02493, 02494.)

On August 26, 1929, the grand jurors of the United States within and for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned in the District Court of the United States for the district aforesaid an indictment in two counts against the Colonial Provision Co. (Inc.), a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act as amended, on August 8, 1928, from the State of Massachusetts into the State of Rhode Island, of quantities of smoked hams and shoulders which were misbranded. The articles were labeled in part: "Colonial Brand Master-Smoked Ham [or "Shoulder"] Net Weight lbs. oz. Colonial Provision Co. Inc. Boston, Mass."

It was charged in the indictment that the articles were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 4, 1929, a plea of nolo contendere to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17422. Adulteration of cheese. U. S. v. 9 Boxes of Cheese. Decree of condemnation. Product released under bond. (F. & D. No. 23655. I. S. No. 01352. S. No. 1894.)

On April 25, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 boxes of cheese, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Hudson Prairie Cheese Co., from Hudson, Wis., on April 10, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "H. A. Dreves Co., St. Paul, Minn."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with and substituted in part for the said article.

On December 31, 1929, the H. A. Dreves Co., Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be ground and disposed of in a manner approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17423. Adulteration and misbranding of cheese. U. S. v. 35 Boxes, et al., of Cheese. Decree of condemnation. Product released under bond. (F. & D. No. 23569. I. S. Nos. 01330, 01331, 01332. S. No. 1825.)

On April 5, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 boxes of twin daisies cheese, 49 boxes of longhorns cheese, and 42 boxes of triple daisies cheese, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Summit Cooperative Dairy, from Wilson, Wis., on March 21, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Genuine Colby State of Wisconsin Department of Markets Wisconsin No. 1."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "Genuine Colby," "Wisconsin No. 1," and "Cheese," were false and misleading and deceived and misled the purchaser.

On December 31, 1929, the H. A. Dreves Co., Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be ground and disposed of in a manner approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17424. Misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24571. I. S. No. 030775. S. No. 2881.)

On February 27, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed cake, remaining in the original unbroken packages at Hordspur, near Plattsburg, Mo., alleging that the article had been shipped by the Cairo Meal & Cake Co., Cairo, Ill., on or about February 10, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Miss Cairo Brand, * * * 43% Protein Cottonseed Meal—Prime Quality—Guaranteed Analysis Crude Protein not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43% Protein," and "Protein not less than 43 per cent," were false and misleading and deceived and misled the purchaser, when applied to an article containing a less amount of protein.

On March 17, 1930, the Cairo Meal & Cake Co., Decatur, Ill., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to law. The decree contained the further provision that the product should not be sold until salvaged and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17425. Adulteration of canned salmon. U. S. v. 1,543 Cases, et al., of Canned Salmon. Claim and answer filed for portion of product; tried to the court; judgments of condemnation, forfeiture, and destruction. Default decrees of condemnation, forfeiture, and destruction entered with respect to remainder. (F. & D. Nos. 24264, 24294, 24295, 24297, 24298, 24299, 24300. I. S. Nos. 04006, 021549, 021550. S. Nos. 2517, 2554.)

On or about November 19, December 7, and December 11, 1929, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2,579 cases of canned salmon, in various lots at Atlanta, Griffin, and Gloster, Ga., respectively, alleging that the article had been shipped by R. Damus from Seattle, Wash., in part on or about September 17, 1929, and in part on or about October 22, 1929, and transported from the State of Washington into the State of Georgia, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Meadow Lark Brand Sockeye Salmon Packed by Pacific Coast and Norway Packing Company Petersburg, Alaska." The remainder of the said article was labeled in part: "Open Sea Brand, Red Alaska Salmon * * * Packed for Rothwell & Co., Inc., Seattle, Wash."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance.

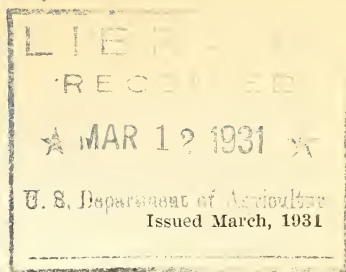
On December 24, 1929, and January 28, 1930, respectively, no claimant having appeared for portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portions be destroyed by the United States marshal.

On January 29, 1930, claimants having appeared and filed answers controverting the essential allegations of the libels filed with respect to 2,054 cases of the product seized at Atlanta, Ga., the cases came on for trial before the court. Evidence was introduced at the trial on behalf of the claimants and the Government. The court found that the essential allegations of the libels were sustained by proof, and ordered that the said 2,054 cases of the product be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17426-17450

[Approved by the Secretary of Agriculture, Washington, D. C., February 19, 1931].

17426. Adulteration of unpeeled pie peaches. U. S. v. 275 Cases of Canned Unpeeled Pie Peaches. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23910, 23911, 23912. I. S. No. 03978. S. No. 2131.)

Samples of the canned peaches from the shipment herein described having been found to contain wormy fruit and worms, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On or about August 7, 1929, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 715 cases of canned unpeeled pie peaches, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the A. J. Evans Marketing Agency, Fort Valley, Ga., on or about July 2, 1929, and transported from the State of Georgia into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Setter Brand Unpeeled Pie Peaches * * * Packed by Evans Canning Co., Fort Valley, Ga."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy and putrid vegetable substance.

On February 3, 1930, the Evans Canning Co., Fort Valley, Ga., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be sold to an orchardist to be used for moth bait.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17427. Adulteration of canned sardines. U. S. v. 72 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24326. I. S. No. 016952. S. No. 2584.)

Samples of sardines from the shipment described below having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On December 11, 1929, and March 31, 1930, respectively, the said United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 93 cases of canned sardines, alleging that the article had been shipped by the Gurnet Fisheries Co., from Boston, Mass., on or about September 28, 1929, in interstate commerce into the State of Georgia, that it remained in the original unbroken packages at Savannah, Ga., and that it was adulterated in violation of the food and drugs act. The

article was labeled in part: "Gurnet Brand American Sardines * * * Packed by the Gurnet Fisheries Co., Plymouth, Mass."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance.

On February 15 and April 30, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17428. Misbranding of tomato paste. U. S. v. 4 Cases, et al., of Tomato Paste. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24216, 24217. I. S. Nos. 024044, 024045. S. Nos. 2465, 2466.)

Samples of the tomato paste from the shipments herein described having been found to contain added coloring matter, namely, cochineal, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Pennsylvania.

On November 5 and November 6, 1929, respectively, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 21 cases of tomato paste, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., in 2 lots, on or about October 1 and October 2, 1929, respectively, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Salsa Di Pomodoro Al Basilico Marca Colombina Brand Pure Tomato Paste with Basil Distributed and Guaranteed By Colombina Products Corporation, Laurel, Delaware."

It was alleged in the libels that the article was misbranded in that the statements on the label, "Salsa Di Pomodoro Pure Tomato Paste," were false and misleading when applied to an article containing undeclared artificial color.

On January 31, 1930, Howard E. Jones & Co. (Inc.), having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant to be relabeled, upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it should not be sold or otherwise disposed of until examined, passed upon, and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17429. Adulteration of canned tuna. U. S. v. 27 Cases of Canned Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24454. I. S. No. 030375. S. No. 2724.)

Samples of canned tuna from the shipment herein described having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On January 23, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 27 cases of canned tuna, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Southern California Fish Corporation, from Los Angeles, Calif., on or about December 13, 1929, and transported from the State of California into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Plee-zing Fancy Light Meat Tuna Packed * * * by Southern Calif. Fish Corp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17430. Misbranding of canned tuna fish. U. S. v. 95 Cases of Flaked Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24414. I. S. No. 018428. S. No. 2676.)

Sample cans of the tuna fish from the shipment herein described having been found to contain less than 7 ounces of the product, the amount labeled on the can, the Secretary of Agriculture reported the facts to the United States attorney for the District of Colorado.

On January 9, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 95 cases of flaked tuna fish, remaining in the original unbroken packages at Denver, Colo., consigned by the E. C. Ortega Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about December 13, 1929, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Jonquil Brand Tuna Flakes Contents 7 Oz. Avd. Packed for the J. S. Brown Mercantile Co. Denver, Colo."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 7 Oz. Avd.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 6, 1930, the California Packing Corporation, a California Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be relabeled under the supervision of this department to show the correct weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17431. Adulteration of scallops. U. S. v. Three 3-Gallon Cans, et al., of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24290. I. S. No. 02400. S. No. 2541.)

Samples of scallops from the shipment herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina. On November 27, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of three 3-gallon cans and one 1-gallon can of scallops, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by Wallace M. Quinn, from New Bedford, Mass., November 24, 1929, and transported from the State of Massachusetts into the State of South Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tate Scallops."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for the said article.

On January 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17432. Misbranding of cottonseed feed. U. S. v. 225 Sacks of Cottonseed Feed. Decree of condemnation and forfeiture. Provision for release under bond. (F. & D. No. 24503. I. S. No. 030489. S. No. 2803.)

Samples of cottonseed feed from the shipment herein described having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On February 4, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 225 sacks of cottonseed feed, remaining in the original unbroken packages at Sanford, Fla., alleging that the article had been shipped by the Southern Cotton Oil Co., from Valdosta, Ga., on or about November 23, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Feed Manufactured by the Southern Cotton Oil Co., Valdosta, Georgia. Guaranteed Analysis Protein 36%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 36%," was false and misleading and deceived and misled the purchaser.

On April 2, 1930, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the Southern

Cotton Oil Co., Valdosta, Ga., to be relabeled, upon payment of costs and the execution of a good and sufficient bond conditioned according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17433. Misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 24057. I. S. No. 08787. S. No. 2198.)

Samples of butter from the herein described shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On August 13, 1929, the United States attorney filed in the United States District Court for the said district a libel praying seizure and condemnation of 7 cases and 17 pounds of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Macon Creamery Co., Macon, Miss., on or about August 6, 1929, and had been transported in interstate commerce from the State of Mississippi into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail carton) "White Pearl Brand Creamery Butter, Macon Creamery Co., Macon, Miss., One Pound Net Weight When Packed."

It was alleged in the libel that the article was misbranded in that the statement on the package, "One Pound," was false and misleading and deceived and misled the purchaser, since the said packages did not contain 1 pound of butter. Misbranding was alleged for the further reason that the article was in package form and failed to bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the packages were short weight.

On August 29, 1929, the Macon Creamery Co., Macon, Miss., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned so that it comply with the Federal food and drugs act, upon payment of costs and the execution of a bond in the sum of \$200, conditioned as required by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17434. Adulteration and misbranding of tomato puree. U. S. v. Wm. Laning & Sons Co. Plea of guilty. Fine, \$300. (F. & D. No. 23753. I. S. Nos. 03175, 03181, 03252, 03267, 03272.)

Samples of the tomato puree from the shipments herein described having been found to contain decomposed material from the use in part of unsound tomato trimmings, cores, and skins, the Secretary of Agriculture reported the facts to the United States attorney for the District of New Jersey.

On November 6, 1929, the United States attorney filed in the District Court of the United States for said district an information against Wm. Laning & Son Co., a corporation, Bridgeton, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 27, October 6, October 25, and November 7, 1928, respectively, from the State of New Jersey into the State of Pennsylvania of quantities of tomato puree, which was adulterated and misbranded. The article was labeled in part: "Silver Lake Brand * * * [design of whole red ripe tomato] Whole Tomato Puree * * * Quality Guaranteed. Packed By Wm. Laning & Son Co. Bridgeton, * * * N. J."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statements, to wit, "Whole Tomato Puree * * * Quality Guaranteed," together with the design of a whole, red, ripe tomato, borne on the cans containing the article, were false and misleading in that the said statements and design represented that the article was puree made from sound, whole, red, ripe tomatoes; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was puree made from sound, whole, red, ripe tomatoes, whereas it was not, but was made in major part from tomato trimmings, cores, and skins, which were in part moldy, decomposed, and unsound.

On December 9, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17435. Adulteration of canned sardines. U. S. v. 469 Cases of Sardines. Product ordered released under bond to be reconditioned. (F. & D. No. 23995. I. S. No. 011053. S. No. 2269.)

Samples of canned sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Texas.

On September 9, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 469 cases of sardines, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by L. D. Clark & Son of Eastport, Me., from New York, N. Y., and had been transported, on or about May 22, 1929, from the State of New York into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Banquet Brand American Sardines * * * Packed at Eastport Washington Co. Me., by L. D. Clark & Son."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 9, 1930, L. D. Clark & Son, Eastport, Me., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to law. It was further ordered by the court that the product be reconditioned by the removal and destruction of all decomposed fish.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17436. Misbranding of shortening. U. S. v. 40 Cases of Shortening. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24903. I. S. Nos. 07586, 07587, 07588. S. No. 1833.)

Samples of shortening from the herein described interstate shipment having been found to be short weight, the matter was reported to the United States attorney for the Western District of Louisiana.

On March 14, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of shortening, remaining in the original unbroken cases at Shreveport, La., alleging that the article had been shipped in interstate commerce (from Memphis, Tenn.) by the Dixie Margarine Co., in various lots, on February 21, February 25, and February 28, 1929, respectively, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "Dixie Brand Colored Nut Product One Pound Net * * * Manufactured by Dixie Margarine Co., Memphis, Tenn."

It was alleged in the libel that the article was in violation of section 8 of the said act, in that the label bore the statement "One Pound Net," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package or carton, since the quantity of food contained therein was less than the quantity labeled on the package.

On March 26, 1929, claim and answer having been filed admitting the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond, conditioned in part that it be removed from the wrappers and cartons and packed in bulk and reshipped to the Dixie Margarine Co., Memphis, Tenn., to be repacked in compliance with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17437. Adulteration of canned sardines. U. S. v. 265 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23170 to 23174, incl. I. S. Nos. 02223, 02225, 02251, 02252, 02253. S. No. 1278.)

Samples of canned sardines from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On October 30, 1928, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 709 cases of canned sardines, remaining in the original unbroken packages in

part at Atlanta, Ga., and in part at East Point, Ga., alleging that the article had been shipped by the Van Camp Sea Food Co. (Inc.), in part from East San Pedro, Calif., and in part from Wilmington, Calif., in various consignments, on or about February 7, November 16, December 8, 1927, respectively, and transported from the State of California into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White Star Tin-Apa Sardines * * * Originated and packed by exclusively Van Camp Sea Food Co., Inc., Terminal Island, Los Angeles, Cal."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On December 7, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17438. Misbranding of dairy feed. U. S. v. 100 Sacks of Dairy Ration, et al. Product ordered released under bond. (F. & D. No. 24283. I. S. Nos. 021673, 021674. S. No. 2525.)

Samples of stock feed from the shipments herein described having been found to contain less protein and fat and more crude fiber than declared on the labels, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of South Carolina.

On November 26, 1929, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 140 bags of dairy feed, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Atlantic Milling Co., from Augusta, Ga., on October 25, 1929 and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Cumberland Dairy Ration Manufactured by Atlantic Milling Company, Augusta, Ga. Guaranteed Analysis Protein 20% Fat 5% Fibre 8%." The remainder of the said article was labeled in part: "Atlantic Dairy Feed Manufactured by Atlantic Milling Company, Augusta, Ga. Guaranteed Analysis Protein 24%, Fat 5% Carbohydrates 53% Fibre 9%."

Misbranding of the product labeled, "Atlantic Dairy Feed," was alleged in the libel for the reason that the statements on the labels, "Guaranteed Analysis Protein 24%; Fat 5%; Carbohydrates 54[53]%, Fibre 9%," were false and misleading. Misbranding of the product labeled "Cumberland Dairy Ration," was alleged for the reason that the statements on the labels, "Guaranteed Analysis Protein 24[20]%; Fat 5%; and Fibre 9[8]%, " were false and misleading. The charge recommended by this department relative to the said Cumberland dairy ration was that the statements on the label, "Guaranteed Analysis Protein 20%; Fat 5%; Fibre 8%," were false and misleading and deceived and mislead the purchaser.

On February 5, 1930, the Atlantic Milling Co., Augusta, Ga., having appeared as claimant for the property and having admitted the material allegations of the libels, judgments were entered ordering that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$500, conditioned in part that it should not be sold or disposed of until relabeled in part as follows: (Cumberland dairy ration) "Protein 18.8%, Fat 3.8%, Fiber 9.35%," (Atlantic dairy feed) "Protein 20.7% Fat 3.9%, Fiber 9.5%."

ARTHUR M. HYDE, *Secretary of Agriculture.*

17439. Adulteration of canned sardines. U. S. v. 635 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24243. I. S. No. 08796. S. No. 2486.)

Samples of sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On November 13, November 14, 1929, and April 18, 1930, respectively, the United States attorney filed in the Albany, Americus, and Valdosta divisions of the United States District Court for said district libels praying seizure and condemnation of 890 cases of canned sardines. It was alleged in the libels that the article had been shipped by the Gurnet Fisheries Co., from Boston, Mass., September 17, 1929, and had been transported from the State of Massachusetts

into the State of Georgia, that having been so transported it remained unsold in the original unbroken packages in various lots within said divisions of said district, and that it was adulterated in violation of the food and drugs act. Various lots of the product were seized at Albany, Pelham, Blakely, Dawson, Valdosta, and Moultrie, Ga., respectively. The article was labeled in part: "Gurnet Brand American Sardines * * * Packed by the Gurnet Fisheries Co., Plymouth, Massachusetts."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 12, April 16, and May 27, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17440. Adulteration of canned tuna fish. U. S. v. 31 Cases, et al., of Tuna Fish. Product released under bond to be salvaged. (F. & D. No. 24415. I. S. Nos. 011207, 011208, 011225, 011226. S. No. 2671.)

Samples of canned tuna fish from the shipment described below having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On January 4, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 231 cases of canned tuna fish, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Coast Fishing Co., from Los Angeles Harbor, Calif., on or about November 29, 1929, and had been transported in interstate commerce from the State of California into the State of Utah, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Scowcroft's Blue Pine Brand Tuna Fish * * * Packed expressly for John Scowcroft and Sons Company, Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 1, 1930, the Coast Fishing Co., claimant, having admitted the allegations of the libel and having paid costs and executed a bond in the sum of \$2,000, a decree was entered ordering that the product be released to the said claimant to be sorted and salvaged under the supervision of this department, and that the claimant be permitted to sell and dispose of the portion found sound and of edible quality, and the decomposed portion destroyed or disposed of in a manner approved of by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17441. Adulteration of tomato puree. U. S. v. 823 Cases of Tomato Puree. Consent decree of condemnation. Product released under bond. (F. & D. No. 24756. I. S. No. 036891. S. No. 3121.)

Samples of tomato puree from the shipment herein described having been found to be underprocessed and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On May 12, 1930, the United States attorney filed in the United States District Court for said district a libel praying seizure and condemnation of 823 cases of tomato puree, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Crampton Canneries (Inc.), Celina, Ohio, on or about October 8, 1929, and transported from the State of Ohio into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chic Brand Tomato Puree Hensgen-Peters Smith Co., Distributors, St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that it consisted partly of a filthy, decomposed, or putrid vegetable substance.

On June 5, 1930, the Crampton Canneries (Inc.), Celina, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the bond filed by the claimant in the sum of \$1,500 be approved; that the spoiled cans of the product be separated therefrom and destroyed; that the good portion be delivered to the claimant for the purpose of being reprocessed or manufactured into tomato catsup, under the supervision of this department; and that the claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17442. Adulteration of canned salmon. U. S. v. 321 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24166. I. S. Nos. 09949, 019277. S. No. 2377.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

On December 19, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 321 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Copper River Packing Co., from Port Nellie Juan, Alaska, August 16, 1929, and transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 16, 1930, the Copper River Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be sorted under the supervision of this department and the portion found not adulterated released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17443. Adulteration of grapefruit. U. S. v. 348 Boxes of Grapefruit. Product released under bond to be salvaged. (F. & D. No. 24548. I. S. No. 018528. S. No. 2871.)

A large part of the grapefruit herein described having been found to be dry, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On February 19, 1930, the said United States attorney filed in the United States District Court for said district a libel praying seizure and condemnation of 348 boxes of grapefruit, alleging that the article had been shipped by Wade and Newton from McAllen, Tex., on or about February 19, 1930, in interstate commerce into the State of Utah, that it remained in the original unbroken packages at Salt Lake City, Utah, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Marsh Seedless Wade & Newton Brand Grapefruit * * * Packed and shipped by Wade & Newton * * * San Benito, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance; in that frost-damaged citrus fruit had been substituted for edible citrus fruit, which the said article purported to be; and in that a valuable constituent, juice, had been wholly or in part abstracted.

On February 28, 1930, Franklin R. Smith, Salt Lake City, Utah, having filed a claim and answer admitting the allegations of the libel, and having paid costs and executed a bond in the sum of \$1,500, on motion of the United States attorney judgment was entered ordering that the product be delivered to the said claimant to be sorted and salvaged, under the supervision of this department, and the portion found sound released, and the frost-damaged and adulterated portion destroyed or disposed of according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17444. Adulteration of cheese. U. S. v. 30 Boxes of Cheese. Default decree of forfeiture and destruction. (F. & D. No. 24516. I. S. No. 031004. S. No. 2813.)

Samples of cheese from the herein described shipment having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On February 12, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 boxes of cheese, remaining in the original unbroken packages at Brodhead, Wis., alleging that the article had been shipped by the Redfern Cheese Co., from Warren, Ill., on October 10, 1929, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that excessive moisture had been mixed and packed with the said article, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for American cheese.

On March 26, 1930, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17445. Misbranding of Health coffee. U. S. v. 20 Dozen Small-Sized Cans, et al., of Health Coffee. Default decree entered. Product adjudged misbranded. Ordered destroyed. (F. & D. No. 24333. I. S. No. 07173. S. No. 2522.)

Samples of Health coffee having been found to contain appreciable quantities of tannin and caffeine, and to bear in the labeling certain curative and therapeutic claims which were not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of California.

On December 17, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 dozen small-sized cans and 2 dozen large-sized cans of Health coffee, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Blanke Health Coffee & Tea Co., St. Louis, Mo., alleging that the article had been shipped in interstate commerce from the State of Missouri into the State of California, in various consignments, on or about March 4, March 5, March 7, and September 8, 1929, respectively, and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: "Blanke's Refined Health Coffee * * * Blanke Health Coffee & Tea Corp'n., St. Louis."

It was alleged in the libel that the article was misbranded in violation of section 8 of said act, general paragraph, and paragraphs 2 and 4, under food, in that the following statements appearing on the can label and in the accompanying circular were false and misleading and deceived and misled the purchaser: (Labels) "All Toxic Properties have been Practically Eliminated * * * Contains no Appreciable Quantity of Caffeine nor Tannic Acid;" (circulars) "Caffeine reduced approximately 90% Free Tannic Acid practically eliminated * * * Caffeine has been materially reduced and Free Tannic Acid practically eliminated * * * The Medical Fraternity has for time immemorial told their patients to abstain from Coffee * * * There has always been good reason for this, not alone for the harm that exists in Coffee and in two of its main constituents, namely, Caffeine and Tannic Acid, but also the abuse given coffee * * * in its preparation for the table, which increases the danger of these harmful constituents, by irritation to the stomach as well as harm to the general health. * * * without any of the ill effects * * * but the tannic acid and the caffeine are very objectionable and trying to the chilled stomach * * * Its lessened caffeine means that it can be prescribed without the usual restlessness, sleeplessness and other ill effects associated with regular coffee drinking * * * More recent investigation has convinced many doctors, however, that the tannic acid, and not the caffeine, is the real culprit in coffee. As evidence, what doctor will include tannic acid in his prescriptions, but you know how commonly caffeine is included. * * * We quote a physician who wrote recently: 'Some one once said that the caffeine in coffee was injurious and from that day the statement has been repeated by even men of scientific professions, until it has been accepted as fact; but the real truth determined by men who have investigated, by men who have studied and are capable of giving expert opinion relating to coffee, is that it is not caffeine which is so detrimental to human health but that the tannic acid is the real culprit. * * * When ordinary coffee is taken into the stomach the tannic acid which is an astringent, brings almost the same action as a green persimmon when taken into the mouth. The astringent closes the openings of the hydrochloric acid and pepsin glands, and the food therefore can not be digested properly, as the closing of those glands prohibits the mixing of the stomach digestants, and the only solvent would be the coffee itself, a poor substitute. The food when not properly digested, ferments rapidly, liberating gases and thereby producing all the symptoms of acute indigestion with its attendant headache, belching of gas, heart involvements, etc. In

your Health Coffee with this poisoning element eliminated * * * there can be no such reaction on the digestive process.' * * * Health Coffee * * * which weakest stomachs can retain * * * for the toxic properties are practically eliminated * * * And since the tannic acid is almost entirely eliminated, there will be no indigestion and other distressing results after drinking it. Also the reduction of caffeine means that you'll suffer no nervousness or sleeplessness, whether you drink it late or early. * * * the principal one being that since the tannic acid is removed from the coffee * * * there will be no indigestion nor other accompanying distress after drinking Blanke's Health Coffee * * * Another reason is that your heart action and blood-pressure will not be increased, since the caffeine in the coffee * * * have been largely removed. With these harmful elements removed, however, * * * Health Coffee * * * does not have any tannic acid in it because it does not affect my stomach. And it does not interfere with my sleeping and no matter when I drink it. * * * Because of the harmful tannic acid in caffeine in ordinary coffee my children have been cautioned at school never to drink it. We mothers, too, have realized that the youthful nervous system is jangled out of tune by the caffeine in ordinary coffee and that youthful stomachs are very often seriously affected by the tannic acid. With Blanke's Health Coffee, from which practically all tannic acid has been eliminated and the caffeine considerably reduced, I can give my children coffee at every meal and as much as they want without fear of ill effect." It was further alleged in the libel that the article was misbranded in violation of section 8, paragraph 3, under drugs in that the following statements, regarding the curative and therapeutic effects of the article, appearing in the labeling were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Labels) "Health Coffee;" (circulars) "If you are interested in your own Health—and want to remain healthy * * * Health Coffee [various places] * * * but also very much more healthful * * * Blanke's Refined Health Coffee is indicated in various nervous disorders, and as a palliative is quickly apparent in light, nervous headaches, and even in sick headaches not caused by the presence of offending matter in the stomach. * * * I know they helped you make a speedy recovery and now that you have your good health again * * * Last but not least is the Health feature. This is of value to every person but to some persons who find regular coffee * * * harmful this one feature—Health—is invaluable. * * * they are Healthful."

On July 9, 1930, no plea or answer having been filed, a decree was entered adjudging the product misbranded, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17446. Adulteration of canned tuna fish. U. S. v. 7 Cases and 100 Cases of Canned Tuna. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24433. I. S. Nos. 029779, 029780. S. No. 2689.)

Samples of canned tuna fish from the shipment described herein having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On January 14, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 107 cases of canned tuna, remaining in the original packages at Burlington, Iowa, alleging that the article had been shipped by the Coast Fishing Co., from Wilmington, Calif., on or about December 7, 1929, and had been transported in interstate commerce from the State of California into the State of Iowa, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Mermaid Supreme White Tuna meat * * * Packed by Coast Fishing Co. Wilmington, Calif." The remainder of the said article was labeled in part: (Can) "Coast Brand California Tuna * * * All Light Meat * * * Packers Coast Fishing Co. Wilmington, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 23, 1930, the Coast Fishing Co., Wilmington, Calif., having appeared as claimant for the property and having consented to the entry of a decree,

judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of until it had been reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17447. Adulteration and misbranding of mill feed. U. S. v. 229 Bags of Master Mill Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24508. I. S. No. 014780. S. No. 2805.)

Samples of a stock feed from the herein described shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of North Carolina.

On February 21, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 229 bags of mill feed, remaining in the original unbroken packages at Elkin, N. C., alleging that the article had been shipped by the Roanoke City Mills (Inc.), from Roanoke, Va., on or about January 6, 1930, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Master Mill Feed Average Analysis: Protein 15.02 Per Cent * * * Manufactured and Guaranteed by Roanoke City Mills, Inc., Roanoke, Virginia.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein and containing excessive fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement "Protein 15.02 Per Cent," which was false and misleading and deceived and misled the purchaser.

On April 19, 1930, the Roanoke City Mills (Inc.), Roanoke, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled to show the true protein content, upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17448. Adulteration of tomato paste and tomato sauce. U. S. v. 52 Boxes of Tomato Paste, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24279. I. S. Nos. 017088, 017089. S. No. 2518.)

Samples of tomato paste and tomato sauce from the herein described interstate shipment having been found to be made from a product containing decomposed material, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

On November 26, 1929, the said United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 52 boxes, each containing 100 cans of tomato paste, and 44 boxes, each containing 100 cans of tomato sauce, alleging that the articles had been shipped by F. Romeo & Co. (Inc.), from Dover, Del., on or about October 29, 1929, in interstate commerce into the State of West Virginia, that they remained in the original packages at Wheeling, W. Va., and that they were adulterated in violation of the food and drugs act. The articles were labeled in part: "Panicola Brand Tomato Paste * * * Salsa di Pomodoro, Color Added, Panicola Brand [cut of ripe, red tomatoes];" and "Giulietta Brand Tomato Sauce * * * Naples Style, Giulietta Brand Salsa di Pomodoro, Uso Napoli * * * Giulietta Packing Co. Made in U. S. A."

It was alleged in the libel that the articles were adulterated in that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances.

On May 9, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17449. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23315. I. S. No. 05401. S. No. 1440.)

Samples of cottonseed meal from the shipment herein described having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On January 10, 1929, the United States attorney filed in the United States District Court for said district a libel praying seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by E. T. Allen & Co., from Hollandale, Miss., on December 20, 1928, and had been transported from the State of Mississippi into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Atlas Standard Cottonseed Meal, Manufactured for E. T. Allen Co., Dealer, Atlanta, Ga. Guaranteed Analysis Protein not less than 36 per cent."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 36 per cent," was false and misleading and deceived and misled the purchaser.

On February 4, 1929, the Black Rock Milling Corporation, Black Rock, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law. The decree further provided that if the product be sold that it be relabeled as containing not less than 33½ per cent of protein.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17450. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of forfeiture and destruction entered. (F. & D. No. 24170. I. S. No. 020349. S. No. 2395.)

Samples of apples from the following described shipment having been found to contain lead arsenate the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Arkansas.

On October 23, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 756 boxes of apples, alleging that the article had been shipped by the Wenatchee Produce Co., Wenatchee, Wash., on September 21, 1929, and transported from the State of Washington into the State of Arkansas, that it remained in the original unbroken packages at Texarkana, Ark., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Rose Brand Apples Delicious * * * Wenatchee Produce Co., Wenatchee, Washn. Grown by Victor McMullen, Wenatchee."

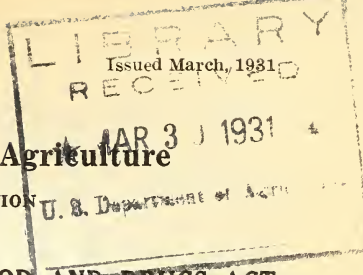
It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, lead arsenate, which might have rendered it injurious to health.

On April 14, 1930, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17451-17475

[Approved by the Secretary of Agriculture, Washington, D. C., March 11, 1931]

17451. Misbranding of L-O compound. U. S. v. 3½ Dozen Packages of L-O Compound No. 1 and 4½ Dozen Packages of L-O Compound No. 2. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23581. I. S. Nos. 05562, 05563. S. No. 1740.)

An examination of samples from the herein-described shipments of a drug product known as L-O compound having shown that the product was not antiseptic and that the labels bore certain curative and therapeutic claims that were not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On May 24, 1929, the United States attorney filed in the District Court a libel praying seizure and condemnation of 3½ dozen packages of L-O Compound No. 1, and 4½ dozen packages of L-O Compound No. 2, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Medical Supply Co. (St. Petersburg, Fla.), on or about January 3, 1929, and had been shipped in interstate commerce from the State of Florida into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that they were ointments, each containing chloral hydrate, volatile oils including camphor and methyl salicylate, and traces of iodides and iodine. Bacteriological examinations showed that the articles were not antiseptic.

The article was labeled in part: (Label of No. 1) "It is the remedy * * * wherever localized infection exists. Septic wounds * * * pustular processes of all varieties yield when liberal amount is applied. For asthma, pneumonia and all troubles of the chest, massage * * * with L. O. Compound; (label of No. 2) "Is the remedy * * * wherever localized infection exists. Septic wounds * * * pustular processes of all varieties, and especially bronchial troubles, all yield * * * to treatment with L. O. C. Apply a liberal quantity to affected parts, and continue a general rubbing until entirely absorbed;" (circular No. 1) "Septic Wounds, Pustular Processes, Bronchial Troubles, Influenza, Pneumonia, Asthma, Hemorrhoids, Etc. * * * use in diseases of the thoracic cavity. Influenza, Bronchitis, Pneumonia, Rheumatism, Lumbago, Neuralgia, Orchitis, Balantitis, enlarged glands or any disturbance of the lymphatic system, antigalactagogue, * * *. For other diseases than the chest, take a liberal quantity, * * *. In Pneumonia, Bronchitis and Asthma the entire thoracic cavity (chest, back and sides) are * * * saturated;" (circular No. 2) "It is the remedy * * * whenever localized infection exists. Septic wounds * * * pustular processes of varieties, yield * * * to treatment with L. O. Compound No. 2. L. O. Compound No. 2 can be applied to any wound, either aseptic or infected, * * * the sutures and field of operation are again treated with L. O. Compound No. 2, which serves as an antiseptic, * * * Bronchial Troubles, Influenza, Pneumonia, Asthma, Hemorrhoids, Etc."

It was alleged in the libel that the article was misbranded in that the above-quoted statements regarding its curative and therapeutic effects, appearing on the carton labels and in the accompanying circulars, were false and fraudulent in that the said statements were applied to the articles so as to represent falsely and fraudulently to the purchaser thereof and create in the mind of such purchaser, the impression and belief that it was in whole or in part

composed of and contained ingredients and medicinal agents effective for causing and producing the curative and therapeutic effects set forth and declared in the said carton and circular.

In addition to the above misbranding charge, this department recommended that charges be brought that the articles were adulterated in that their strength fell below the professed standard under which they were sold, namely, (labels) "A powerful antiseptic and germicide," (circulars) "A germicide * * * antiseptic," (circular with L. O. Compound No. 2) "It is a powerful antiseptic and germicide," and that they were misbranded in that the following statements were false and misleading: (Labels) "A powerful antiseptic and germicide," (circulars) "A germicide * * * antiseptic," (circular with L. O. Compound No. 2) "It is a powerful antiseptic and germicide. * * * the sutures and field of operation are again treated with L. O. Compound No. 2 which serves as an antiseptic."

On June 22, 1929, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17452. Adulteration and misbranding of fluid extract of ginger. U. S. v. Ten 5-Gallon Bottles of Fluid Extract of Ginger. Default decree of condemnation and forfeiture. Product delivered to Department of Agriculture. (F. & D. No. 24755. I. S. No. 030575. S. No. 3116.)

Examination of samples of the fluid extract of ginger from the herein-described interstate shipment having shown that the product did not conform to the United States Pharmacopoeia, in that it contained rosin and a phenolic ingredient, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Georgia.

On May 13, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of ten 5-gallon bottles of fluid extract of ginger, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by the Hub Products Co., from Boston, Mass., on March 3, 1930, and had been transported from the State of Massachusetts into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract of Ginger U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of quality and purity as determined by the test laid down in that authority, in that it contained rosin and a phenolic ingredient. Adulteration was alleged for the further reason that the purity of the said article fell below the professed standard under which it was sold, to wit, "Fluid Extract of Ginger U. S. P."

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article.

On May 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for research purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17453. Misbranding of Anti-Phymin. U. S. v. 11 Bottles of Anti-Phymin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24578. I. S. No. 012545. S. No. 2848.)

Samples of a drug product known as Anti-Phymin from the herein-described interstate shipment having been found to bear in the labeling a misrepresentation as to its composition, and certain claims of curative and therapeutic effects it was incapable of producing, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Alabama.

On February 27, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 bottles of the said Anti-Phymin, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by R. E. MacIntire & Co., from Pensacola, Fla., on or about June 13, 1929, and had been transported from the State of Florida into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of sulphur dioxide (0.16 per cent), nonvolatile matter (0.03 per cent), and water (99.81 per cent).

It was alleged in the libel that the article was misbranded in that the statement, "Anti-Phymin is a * * * compound of essential atmospheric elements," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed; and the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of the diseases and conditions named therein: "A * * * preparation for internal and external use which effectively controls the bacterial fermentation of waste organic matter in or about the body * * * the healing gas * * * In the control of fermentation lies the secret of the control of disease. For external use Anti-Phymin should be used in any condition causing or likely to cause pain, soreness or inflammation apply * * * to the part affected and keep same wet with Anti-Phymin."

On May 26, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17454. Misbranding of Nozol. U. S. v. 14 Dozen Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23682. I. S. No. 05235. S. No. 1920.)

Samples of a drug product known as Nozol having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the District of Minnesota the presence of a quantity of the product at Minneapolis, Minn.

On May 7, 1929, the United States attorney filed in the District Court of the United States for the District of Minnesota a libel praying seizure and condemnation of 14 dozen small-sized bottles of Nozol, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Nozol Co. (Inc.), from Pittsburgh, Pa., on or about April 13, 1929, and had been transported from the State of Pennsylvania into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small amounts of camphor, menthol, and oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Keeps the nose clean and healthy;" (counter display card accompanying shipment) "Relieves Sinus Trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay Fever, General Nose Troubles. Use Nozol For Sinus Trouble;" (folder accompanying shipment) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth,—the fact that they cannot readily be seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol healing * * * the infected parts * * * and helping to stop further spread of the infection. * * *

Permits sufficient time for therapeutic action. * * * Nozol * * * is an effective agent in combating sinus trouble. * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing, soothing qualities of Nozol will greatly aid nature in curing this catarrhal condition. * * * Nozol for Hay Fever. Sufferers from hay fever seldom receive the sympathy to which they are entitled and no certain cure has ever been discovered. Thousands today are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol, when used in time, spreads over the tissues preventing the pollen from attacking the * * * lining * * * Nozol for Sinus Trouble * * * It is estimated that two out of three people in America are troubled with sinus infection of varying degrees. Sinus trouble usually follows severe colds and is indicated by frequent headaches, drippings of mucus into the throat, stoppage of nasal passages and soreness and tenderness beneath the eyes and over the cheekbone. If nature is allowed free rein, it can usually correct this condition. Nozol Most Effective Preparation for Sinus Trouble. By using Nozol regularly the nasal passages are kept clear and clean and proper drainage of the sinus allowed. Use frequently,—three or four times a day if convenient and, shortly, the most stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble. * * * People having trouble breathing while sleeping, and this is also true in case of children, can overcome this condition by clearing out the passages with Nozol."

On April 10, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17455. Misbranding of Nozol. U. S. v. 120 Small-Sized Bottles, et al., of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24477. I. S. Nos. 017839, 017840. S. No. 2739.)

Samples of a drug product known as Nozol having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the Southern District of Ohio, the presence of a quantity of the product at Cincinnati, Ohio.

On January 24, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 120 small-sized bottles and 22 large-sized bottles of Nozol, remaining unsold at Cincinnati, Ohio, alleging that the article had been shipped by the Nozol Co., from Pittsburgh, Pa., in two lots, on or about January 9, 1928, and April 20, 1929, respectively, and had been transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small amounts of camphor, menthol, and oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, small size) "Keeps the nose * * * healthy;" (bottle label, large size) "Keeps the nose * * * healthy. * * * Unequaled in cases of Catarrh, Hay Fever, Asthma and General Nose Troubles. Permits free and easy breathing, * * * use it regularly to kill germs lodging in the nose;" (label of carton inclosing large-sized bottles) "Keeps the Nose * * * Healthy. * * * Excellent for Catarrh, Hay Fever, Asthma, Etc. * * * Nose Remedy. Keep the nose healthy with Nozol;" (circulars) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already

set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden, particles—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth—the fact that they cannot readily be seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals, and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol * * * healing * * * the infected parts and helping to stop further spread of the infection. * * * permits sufficient time for therapeutic action. * * * Nozol * * * is an effective agent in combating sinus trouble * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas, salves and ointments seldom reach all the infected parts. * * * Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing * * * qualities of Nozol will greatly aid nature in correcting this catarrhal condition * * * Nozol for Hay Fever * * * Thousands today are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol when used in time spreads over the tissues, preventing the pollen from attacking the lining. Nozol for Sinus Trouble * * * It is estimated that * * * people in America are troubled with sinus infection of varying degrees. Sinus trouble * * * is indicated by frequent headaches, drippings of mucus into the throat, stoppage of the nasal passages and soreness and tenderness beneath the eye and over the cheekbone. If nature is allowed free rein, it can usually correct this condition. Nozol Most Effective Preparation for Sinus Trouble. By using Nozol regularly the nasal passages are kept clear and clean and proper drainage of the sinus allowed. Use frequently,—three or four times a day if convenient and, shortly, the most stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among these loudest in their praise of Nozol for sinus trouble. * * * having trouble breathing while sleeping, and this is also true in case of children, can overcome this condition by clearing out the passages with Nozol.”

On February 24, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17456. Misbranding of Sakula salve. U. S. v. 5 Dozen Packages of Sakula Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24198. I. S. No. 020433. S. No. 2431.)

Samples of a drug product known as Sakula salve having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the Western District of Texas, the presence of a quantity of the product at San Antonio, Tex.

On November 4, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of the said Sakula salve, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the Yamato Co. (Inc.), Minneapolis, Minn., on or about October 4, 1929, and had been transported from the State of Minnesota into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of fat, wax, rosin, and volatile material including camphor.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label, metal tube, and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton)

"A Constructive * * * Salve * * * A constructive and Reliable Remedy for blood poisoning—Cancerous Sores * * * Gangrene—Eczema—Piles * * * All Skin Diseases and Sores * * * Animal Bites * * * Sore Feet—Corns * * * It Feeds the Skin and Tissues;" (metal tube) "Constructive and Reliable Remedy for Running Sores, Eczema, Blood-poisoning * * * It Relieves Gangrene, It Draws the Poison out and Aids Nature in Healing * * * Spread Thickly over Affected Part. If Any Discharge Apply Absorbent Cotton to Take It up and Prevent Further Infection;" (circular) "For running sores or any other open sore, large burns, gangrene, external blood-poisoning, etc., spread Sakula thickly over absorbent cotton and cover the sore with it. * * * In treating eczema (if not open) stiffened joints, and the like, apply liberally and rub in the salve * * * For pimples, 'scaly skin,' sore feet, bunions, corns, piles * * * and other ailments of similar nature, the treatment should be like that for any open sore. * * * Apply frequently to affected part and it will * * * hasten complete recovery. * * * This salve * * * in many cases acts * * * in drawing poison and morbid matter to the surface, * * * which causes alarm to those who do not understand the process of healing * * * increased cell activity produced by the salve application. * * * In skin eruptions, application of this salve will sometimes cause the area of the eruption to increase. This is directly due to either one of two things: First, the poisonous matter drawn from the eruption has been permitted to spread over the surrounding tissue and has caused infection, or second, the tissue surrounding the actual surface eruption has already been affected underneath, * * * and the application of the salve brings the poison to the surface for discharge over the entire area affected whether only on the surface or below the surface. * * * We insist that the Sakula Salve * * * with ordinary care as to cleanliness will positively induce proper healing."

On January 15, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and the court ordered that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17457. Adulteration and misbranding of Crane's laxative quinine cold tablets. U. S. v. 48 Boxes of Crane's Laxative Quinine Cold Tablets. Default decree of forfeiture entered. (F. & D. No. 24260. I. S. No. 017702. S. No. 2499.)

Examination of samples of a drug product known as Crane's laxative quinine cold tablets from the herein-described shipment having shown that the said tablets contained less acetanilide than labeled, that quinine did not constitute a principal ingredient thereof, and that the labeling bore certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Ohio.

On November 27, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 boxes of Crane's laxative quinine cold tablets at Lima, Ohio, alleging that the article had been shipped by the Crane Medicine Co., Chicago, Ill., on or about July 15, 1929, and had been transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide (0.85 grain each), quinine sulphate (0.18 grain each), cinchonine sulphate (0.44 grain each), extracts of plant drugs including a laxative drug, and starch.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely: (Retail carton) "Each tablet contains one grain acetanilide."

Misbranding was alleged for the reason that the statement "Laxative Quinine Cold Tablets," borne on the labels, was false and misleading since quinine did not constitute one of the principal ingredients of the article, and for the further reason that the statement on the label, "Each Tablet contains one grain acetanilide," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the retail carton, display carton, and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects

claimed: (Retail carton) "For * * * La Grippe * * * Crane's Laxative Quinine Cold Tablets relieve the feverish condition and headaches which are associated with * * * La Grippe;" (circular) "For checking and breaking up * * * Influenza. These tablets relieve the feverish condition and headaches which are usually associated with * * * Influenza;" (display carton) "Crane's Laxative-Quinine Cold Tablets For * * * La Grippe. Relieve Over Night * * * If you neglect your cold it may develop into a racking cough or pneumonia. Why delay and run any risk? Buy a box now."

On March 10, 1930, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17458. Adulteration and misbranding of ether. U. S. v. 1 Case of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24321. I. S. No. 025845. S. No. 2542.)

Samples of ether from the herein-described shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On December 6, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 case of ether. It was alleged in the libel that the article had been shipped by the Ohio Chemical & Manufacturing Co., Cleveland, Ohio, on October 19, 1929, and had been transported from the State of Ohio into the State of Texas, and that having been so transported it remained in the original unbroken packages at San Antonio, Tex. The product was seized at Del Rio, Tex., having been reshipped from San Antonio.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by tests laid down in said pharmacopoeia, in that it contained peroxide. Adulteration was alleged for the further reason that the article was sold under the following standard of purity, (can label) "The exceptional purity of this Ether * * * The exclusion of air by carbon dioxid prevents the oxidation of ether to * * * peroxides by atmospheric oxygen," whereas the said article fell below such professed standard of purity in that it contained peroxide.

Misbranding was alleged for the reason that the statements on the can label, above quoted, were false and misleading when applied to an article containing peroxide.

On January 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17459. Misbranding of All Healing ointment. U. S. v. 11 Dozen Boxes of All Healing Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24413. I. S. No. 021635. S. No. 2665.)

Samples of a drug product known as All Healing ointment having been found to bear in the labeling certain therapeutic and curative claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the Eastern District of South Carolina, the presence of a quantity of the product from the hereinafter-described shipment at Charleston, S. C.

On January 3, 1930, the United States attorney filed in the United States District Court for said district a libel praying seizure and condemnation of 11 dozen boxes of All Healing ointment, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Manhattan Drug Co., from Brooklyn, N. Y., on November 13, 1929, and had been transported from the State of New York into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a wool-fat base containing zinc oxide, boric acid, phenol, sulphur, and volatile oils including menthol and thymol.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the retail carton and tin box labels, and in the accompanying circular, regarding the curative and therapeutic effect of the article, were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Retail carton) "Apply freely * * * to the injured part. * * * Highly Efficient * * * curative treatment of * * * Sores * * * Itch * * * Eczema * * * Piles * * * Skin Diseases * * * Injuries of All Character * * * Heals * * * healing * * * All Healing;" (tin box) "All Healing * * * A * * * Healing, Nutritive Emollient * * * Sores * * * Bites * * * Piles, Ulcers, Eczema and all Skin Diseases * * * Apply Freely to Afflicted Parts;" (circular) "Is easily and quickly absorbed by the skin and underlying tissues. It carries the relieving * * * healing * * * properties of the ointment all through the tissues where they are most needed. This Emollient contains * * * Healing * * * Properties * * * With a * * * Healing Base. * * * Quickly Heals * * * It * * * heals and forms new healthy tissue, in Old Sores, Ulcers, Wounds and all offensive non-healing eruptive surface skin diseases accompanied by a discharge. It is a specific for Piles, Hemorrhoids, Eczema, Salt-rheum, Itch, Ringworm, Scald-head, Bites * * * all Skin Diseases * * * It is a * * * healing remedy for Catarrh * * * Influenza, Hay Fever, and all diseases of the Mucous Membrane of the Nasal Passages. * * * Apply freely to afflicted parts * * * In the Treatment of Old Sores * * * For the Treatment of Catarrh."

On January 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17460. Misbranding of Stanback headache powders. U. S. v. 10 Gross, et al., of Stanback Headache Powders. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23395. I. S. Nos. 05556, 05557. S. No. 1564.)

Samples of a drug product known as Stanback headache powders from the shipment herein described having been found to contain less acetanilide than represented on the label, and to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On February 19, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11½ gross packages of Stanback headache powders, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Stanback Medicine Co., from Spencer, N. C., in part on or about January 14, 1929, and in part on or about February 11, 1929, in interstate commerce into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powders contained acetanilide (2.1 grains each), acetylsalicylic acid (5.8 grains each), potassium bromide (11.6 grains each), and caffeine.

It was alleged in substance in the libel that the article was misbranded in that the following statements, "Each Powder contains two and one-half grains of acetanilid, * * * for headache, neuralgia, la-grippe, earache, toothache, rheumatic and female pains," regarding the curative and therapeutic effects of the article and the standard of strength under which it was sold were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The charges recommended by this department were that the article was adulterated in that it fell below the professed standard under which it was sold, namely, (label) "Each powder contains 2½ grains acetanilid," that it was misbranded in that the statement, "Each powder contains 2½ grains acetanilid," was false and misleading; and that it was further misbranded in that the statements, (envelope container) "For * * * Neuralgia, La-grippe, Earache, Toothache, Rheumatic and Female Pains * * * For * * * Neuralgia, take one powder * * * For Earache, Toothache, Colds, La-grippe, Rheumatic, Sciatic and Female pains take one powder every 2 or 3 hours," and (display carton) "Recommended for * * * Neuralgia," were

false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 25, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17461. Adulteration and misbranding of Messo's oil of salt. U. S. v. 2 Dozen Small Bottles, et al., of Mosso's Oil of Salt. Default decree of destruction entered. (F. & D. No. 23649. I. S. Nos. 05233, 05234. S. No. 1892.)

Examination of samples of a drug product known as Mosso's oil of salt having shown that it possessed no germicidal properties and only very weak antiseptic properties, and that the labeling bore certain therapeutic and curative claims that were not justified by the composition of the article, the Secretary of Agriculture reported to the United States attorney for the District of Minnesota the herein-described interstate shipment of a quantity of the product, located at Minneapolis, Minn.

On April 27, 1929, the United States attorney filed in the District Court of the United States for the District of Minnesota a libel praying seizure and condemnation of two dozen small bottles and one dozen medium-sized bottles of Mosso's oil of salt, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the C. A. Mosso Laboratories from Chicago, Ill., on or about March 8, 1929, in interstate commerce into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of linseed oil, turpentine, camphor, and phenol. Bacteriological examination showed that the article possessed no germicidal properties and only very weak antiseptic properties.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, viz: (Carton, medium size) "Antiseptic, * * * possesses unique germicidal * * * qualities, * * * prevents and destroys infection;" (carton, small size) "Antiseptic, * * * destroys infection, * * * check infection;" (bottle label, medium size) "Antiseptic, * * * checks * * * infection;" (bottle label, small size) "Antiseptic, * * * checks * * * infections;" (circular accompanying both sizes) "Antiseptic, * * * Ideal Antiseptic, Use It in Place of Iodine! * * * possesses astonishing antiseptic * * * powers. * * * kills bacteria."

Misbranding was alleged for the reason that the following statements from the labeling were false and misleading: (Carton, bottle label, and circular) "Oil of Salt, Antiseptic;" (carton, medium size) "Possesses unique germicidal * * * qualities. Prevents and destroys infection;" (carton, small size) "Destroys infection, * * * checks infection;" (bottle label, medium size) "Checks * * * infections * * * very penetrating;" (bottle label, small size) "Checks * * * infection. * * * very penetrating;" (circular accompanying both sizes) "Ideal Antiseptic, Use It in Place of Iodine! * * * Oil of Salt possesses astonishing antiseptic * * * powers. Kills bacteria * * * Its action is swift, * * * and sure, * * * how quickly it penetrates." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the carton and bottle labels and in the accompanying circular, were false and fraudulent since the article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton, medium size) "A valuable aid in the treatment of Pyorrhea, Alveolaris, Gingivitis and other diseases of the Mouth and Gums. The Amazing Healand, Amazingly Effective in Treatment of Acne * * * Eczema, Gum Soreness, Itch * * * Pimple Rash, * * * Pyorrhea, * * * Inflammation. Checks flow of blood. Prevents and destroys infection. Especially effective in cases of skin infections and diseases of mouth tissues and gums;" (carton, small size) "Healing, valuable in treatment of * * * sores, * * * destroys infection, * * * an ideal first aid for wounds, * * * Healand, * * * designed to check infection;" (bottle label, medium size) "Healand, * * * Invaluable in Treatment of * * * Sores * * * Checks inflammation and infections of Skin (Eczema and various Types of Itch) and of the Mouth and Gums (Pyorrhea, Gingivitis, etc.) Unusual results in cases of

Sore Throat. * * * Speedily relieves * * * Aching Feet;" (bottle label, small size) "Healant * * * Valuable in Treatment of * * * Sores, * * * Checks inflammation and infection. * * * Speedily relieves * * * aching feet; * * * Apply directly to infected * * * part;" (circular accompanying both sizes) "Healant * * * possesses astonishing * * * healing powers. * * * Checks bleeding * * * Oil of Salt's healing action * * * Burns and Scalds Oil-of-Salt Kills Pain quickly. For quick, sure relief from burns and scalds, apply Oil-of-Salt immediately as soon as burn is received. You'll be amazed to see that the pain disappears almost instantly. * * * Kills Burn Pains in 10 Minutes * * * placed the palms of her hands on a red hot base burner—burning them until they were black. The pain of the little sufferer was most intense. * * * Oil-of-Salt. Ten minutes afterward the child with her little bandaged hands, was playing with her doll, the pain being entirely gone. In a very short time, the burns all healed over leaving no scars. * * * Cuts * * * Oil-of-Salt promotes Healing Instantly. Any open wound, * * * Pain will stop almost at once. * * * stopping as it does, the flow of blood * * * for infection. Rheumatism, Neuritis, Etc. * * * to penetrate quickly. In extreme cases, use Oil-of-Salt several times a day. * * * Toothache. Saturate a piece of cotton or gauze and place it against the gum, surrounding the affected tooth. * * * Should the tooth be ulcerated and gum swollen, apply * * * treatment. Hemorrhoids. Apply Oil-of-Salt * * * until relief is secured. * * * Also Extremely Effective in Cases of * * * Sore Throat * * * Had a very bad sore * * * As a pain-killer, in the case of open wounds, as an haemostatic agent * * * we do not believe Oil-of-Salt has an equal. * * * cuts, etc. * * * and in no instance have I ever found the slightest infection to occur. * * * I have been using Oil-of-Salt for the past two years in treatment of wounds of all kinds; in ulcers, eczema and other skin and mucous membrane infections. I have found it more efficient in promoting tissue repair."

On July 25, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17462. Misbranding of Dr. Williams' No. 101 tonic. U. S. v. 54 Bottles, et al., of Dr. Williams' No. 101 Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24444, 24569, 25415. I. S. Nos. 030378, 030461, 14469. S. Nos. 2711, 2875, 3638.)

Examination of samples of Dr. Williams' No. 101 tonic by this department showed that the labels bore claims of its curative properties in certain ailments for which quinine sulphate is customarily prescribed and that the product contained insufficient quinine sulphate to cure such ailments when taken according to the directions on the label, namely: Two teaspoonfuls every three hours until it acts well on the bowels; then take three times a day as a tonic. The labels also bore further curative and therapeutic claims that were not justified by the composition of the article.

On or about January 17, February 25, and December 12, 1930, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 96 bottles of Dr. Williams' No. 101 tonic, remaining in the original unbroken packages in part at Jacksonville, Fla., and in part at Tampa, Fla., alleging that the article had been shipped by the Interstate Drug Co., from Quitman, Ga., in various lots, on or about November 9, November 15, and December 6, 1929, and October 16, 1930, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that they consisted essentially of cinchona alkaloid salts (4.5 grains to 6 grains per fluid ounce), ferric chloride, magnesium sulphate, glycerin, and water.

It was alleged in the libels that the article was misbranded in that the statement appearing in the circular accompanying the said article, "No. 101 contains no * * * injurious drugs. You give it to children with perfect safety," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the bottle label and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient

or combination of ingredients capable of producing the effects claimed: (Label on portion of bottles) "A Ready Prepared Prescription for Malaria, Chills, Chills and Fever, * * * LaGrippe, Influenza;" (Label on remainder of bottles) "For Malaria, Chills, Chills and Fever;" (circular accompanying all lots) "Recent experiments and subsequent discoveries made in our laboratory enable us to guarantee greatly increased results in combatting Malaria, Chills and Fever * * * and LaGrippe. Our Improved remedy * * * '101 Tonic' is a prescription prepared especially for those suffering from * * * LaGrippe, Fever * * * Malaria, Chills and Fever, Dengue, Intermittent, Remittent and Bilious Fevers. We recommend 'No. 101' for those suffering from * * * Generally Run Down Systems * * * 'No. 101' is a sure and safe preventive for Colds, and consequently, Pneumonia, Malarial Chills, and Fever. * * * If you are not pleased with the way you are feeling, try a bottle * * * For your health's sake. * * * Don't wait too long; that tired feeling means something. That Lost Appetite doesn't just happen. There is a cause for it. Rid yourself of the poison that is the Cause and the effect will come naturally. When sneezing begins or you feel those mosquito bites, remember you can rely upon No. 101 to help you to fight off those poisons. 'No. 101' has all the qualities of a wonderful body-building, strength-giving tonic."

On March 20, April 17, 1930, and January 10, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17463. Adulteration and misbranding of acetanilide compound tablets, acid phenylcinchoninic tablets, sulphonethylmethane tablets, elixir sodium salicylate compound, and elixir calisaya alkaloids. U. S. v. Zemmer Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 23747. I. S. Nos. 20725-x, 24029-x, 24049-x, 24081-x, 24082-x.)

Samples of drugs from the herein-described interstate shipments labeled as acetanilide compound tablets, acid phenylcinchoninic tablets, sulphonethylmethane tablets, elixir sodium salicylate compound, and elixir calisaya alkaloids, having been found to contain smaller quantities of the therapeutic agents than indicated by the labeling, and not to conform to the National Formulary, and in the cases of the acid phenylcinchoninic tablets, the elixir sodium salicylate compound, and the elixir calisaya alkaloids, to bear in the labeling certain therapeutic and curative claims not justified by their composition, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

On December 26, 1929, the United States attorney filed in the District Court of the United States for said district an information against the Zemmer Co., Pittsburgh, Pa., alleging shipment by said company in violation of the food and drugs act as amended, in part on or about March 8, 1928, and in part on or about April 26, 1928, of quantities of the above drug products which were adulterated and misbranded. The articles were labeled in part: "The Zemmer Company, Manufacturing Chemists, Pittsburgh, Pa."

It was alleged in the information that the articles were adulterated in that they fell below the professed standard and quality under which they were sold, namely: Each of the acetanilide compound tablets was represented to contain 2 grains of acetanilide and $\frac{1}{4}$ grain of caffeine, whereas each of said tablets contained approximately $1\frac{1}{3}$ grains of acetanilide and 0.223 grain of caffeine; each of the acid phenylcinchoninic tablets was represented to contain 5 grains of acid phenolcinchoninic (phenylcinchoninic), whereas each tablet contained not more than 4.315 grains of acid phenylcinchoninic; each of the said sulphonethylmethane tablets was represented to contain 5 grains of sulphonethylmethane, whereas each of said tablets contained not more than 4.388 grains of sulphonethylmethane; each fluid ounce of the elixir sodium salicylate compound was represented to contain 40 grains of sodium salicylate, whereas each fluid ounce of the article contained not more than 35.198 grains of sodium salicylate; each fluid drachm of the elixir calisaya alkaloids was alleged to contain alkaloids representing 5 grains of calisaya bark, whereas each fluid drachm of the article contained alkaloids representing no more than 2.53 grains of calisaya bark. Adulteration of the elixir calisaya alkaloids was alleged for the further reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid in said formulary official at the time of

investigation in that it contained not more than 2.88 grams of cinchona alkaloid sulphates per 1,000 cubic centimeters, whereas said formulary provided that elixir calisaya alkaloids contain not less than 4 grams of alkaloid sulphates per 1,000 cubic centimeters and the standard of strength, quality, and purity of the article was not declared on the containers thereof.

Misbranding was alleged for the reason that the statements to wit. "Tablets * * * acetanilide 2 gr * * * caffeine $\frac{1}{4}$ gr.," with respect to the acetanilide compound tablets, "Tablets Acid Phenolcinchoninic U. S. P. 5 Grains," with respect to the acid phenylcinchoninic tablets, "Tablets Sulphonethylmethane U. S. P. 5 Grs.," with respect to the sulphonethylmethane tablets: "Each flu'd ounce contains sodium salicylate 40 gr.," with respect to the elixir sodium salicylate compound; and "Each fluid drachm represents calisaya bark 5 gr.," with respect to the elixir calisaya alkaloids, borne on the labels of the respective products, were false and misleading in that the said statements represented that the articles contained the amounts of the said drugs declared on the labels, whereas they contained less than so declared.

Misbranding was alleged with respect to the following products for the further reason that the statements, designs, and devices regarding the therapeutic and curative effects of the articles, borne on the labels, falsely and fraudulently represented that the said acid phenylcinchoninic tablets were effective as an anti-inflammatory agent and as a treatment for gouty, rheumatic, neuralgic, and allied painful conditions, and more active than salicylates in its action in flushing out uric acid from the body; that the said elixir sodium salicylate compound was effective as a remedy for acute, subacute, articular and muscular rheumatism and gout; and that the said elixir calisaya alkaloids were effective as a remedy for some forms of stomach dyspepsia where there is a distaste for food and as a relief for the morbid state of the mucous membrane, was effective to enable the patient to digest and make use of food, and as a remedy for enterocolitis in children and as a remedy for all states of debility; whereas the said articles did not contain ingredients or medicinal agents capable of producing the effects claimed.

On June 20, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17464. Adulteration and misbranding of ether. U. S. v. 500 Half-Pound Tins of Ether. Default decree of destruction entered. (F. & D. No. 24072. I. S. Nos. 019606, 019607. S. No. 2309.)

Samples of ether from the herein-described interstate shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

On September 21, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 half-pound tins of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Ohio Chemical & Manufacturing Co., from Cleveland, Ohio, on or about July 19, 1929, and had been transported in interstate commerce from the State of Ohio into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "For Ether Anesthesia."

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by the tests laid down in said pharmacopoeia, official at the time of investigation, in that it contained peroxide. Adulteration was alleged for the further reason that its purity fell below the professed standard under which it was sold, namely: (Label) "The Exceptional Purity of this Ether * * * The Exclusion of Air by Carbon Dioxide Prevents the Oxidation of Ether to Peroxides by Atmospheric Oxygen."

Misbranding was alleged for the reason that the statements appearing on the label, "The Exceptional Purity of this Ether * * * The Exclusion of Air by Carbon Dioxide Prevents the Oxidation of Ether to Peroxides by Atmospheric Oxygen," were false and misleading.

On April 10, 1930, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17465. Misbranding of Colorado Rocky Mountain cough and catarrh root. U. S. v. 66 Cartons of Colorado Rocky Mountain Cough & Catarrh Root. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24662. I. S. No. 023126. S. No. 3005.)

Samples of a drug product known as Colorado Rocky Mountain cough and catarrh root from the herein-described interstate shipment, having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

On April 1, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 66 cartons of Rocky Mountain cough and catarrh root, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Colorado Cough & Catarrh Root Co., from Denver, Colo., on or about February 24, 1930, and had been transported from the State of Colorado into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of the dried rhizomes and roots of a species of angelica.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular and wrapper accompanying the said article, regarding its curative and therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Cough and Catarrh Root * * * I had stomach trouble for years. After using one box it did me more good than all the remedies and treatment I ever had. * * * bronchial asthma very bad * * * it helped me so much I don't want to be without it, * * * I have used six boxes and have gained 22 pounds in six months. My trouble is Consumption. * * * I find your root the most wonderful remedy I ever saw. I am almost cured of rheumatism which I have been troubled with for 25 years. I also was constipated and am entirely cured of that. * * * He had a bad case of catarrh, and it has cured him. * * * the Root cured him of a bad case of indigestion * * * I have been using it for stomach trouble and find that in three days' time it begins to help me and that I can eat things that I have not been able to eat without having indigestion. * * * It has been of great benefit to me for indigestion, and also to my husband for a bad cough which he has had * * * My son had catarrh and it did him so much good. * * * It is the best remedy for bronchitis * * * I have taken two boxes of C. C. & C. Root for Consumption. It is doing me more good than anything I have tried. * * * Sufferers from * * * Bronchitis, Asthma, Lungs, Throat, Kidneys, Heartburn, Indigestion, Catarrh and all Catarrhal conditions, Neuralgia, Hay Fever, Nervousness, Stomach Troubles and General Debility, and many other ailments, receive prompt relief from the use of this Root. So far as we know, it has never failed to prove entirely satisfactory. * * * wonderful Root, and my using it restored my voice after having lost it thru the gripe. * * * eminent physicians pronounced me a hopeless consumptive. * * * By chewing the Root and swallowing the saliva my cough was soon cured, and by my persistent use of it for a reasonable time it cured the bronchitis, my lungs and bad stomach trouble. I became a well man;" (wrapper) "Cough and Catarrh Root * * * Asthma, Bronchitis, * * * Catarrh, Heartburn, Indigestion, Throat, Lung and Stomach Trouble. It is Supreme. Chew the Root Freely and a Cough, tho chronic, will soon fade away.

On May 21, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17466. Adulteration of ether. U. S. v. 280 One-Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24006. I. S. No. 06388. S. No. 2276.)

Examination of samples of ether from the herein-described interstate shipment having shown that it did not conform to the United States Pharmacopoeia in that it contained peroxide, a decomposition product, the Secretary

of Agriculture reported the facts to the United States attorney for the Northern District of California.

On September 14, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 280 cans of ether at San Francisco, Calif., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on February 15, 1928, and had been transported from the State of Missouri into the State of California, and charging adulteration in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 1, under drugs, in that its strength fell below the professed standard or quality under which it was sold, viz: "Ether For Anesthesia."

The charge recommended by this department was that the article was adulterated under section 7 of the act, paragraph 1, in the case of drugs, in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of purity as specified by that authority, since it contained peroxide.

On May 10, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17467. Misbranding of Watkins menthol-camphor ointment. U. S. v. 1061 Dozen Large-Sized Jars, et al., of Watkins Menthol-Camphor Ointment. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24526. I. S. Nos. 010759, 010760. S. No. 2821.)

Samples of a drug product known as Watkins menthol-camphor ointment from the herein-described interstate shipment having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of California.

On or about February 20, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,061 dozen large-sized jars and 109 dozen small-sized jars of Watkins menthol-camphor ointment, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the J. R. Watkins Co., from Newark, N. J., in various consignments, on or about September 17, October 20, November 26, and December 24, 1929, respectively, and transported from the State of New Jersey into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum containing camphor and menthol.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the jar labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar labels) "Watkins Menthol-Camphor Ointment helps to reduce the severity of many cases of Nasal Catarrh * * * Influenza, Spasmodic Croup, Common Sore Throat, Neuralgia;" (circular) "Stop That Pain * * * Very Effective for reducing the severity of * * * Influenza, Croup, Sore Throat * * * Catarrh, Neuralgia * * * A Few Home Treatment Suggestions For * * * Influenza * * * Croup * * * Sore Throat * * * Bronchitis * * * Catarrh * * * Chicken Pox * * * Piles * * * Salt Rheum—A variety of eczema."

On May 16, 1930, the J. R. Watkins Co., Winona, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it be relabeled and repacked, under the supervision of this department, so that it conform with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17468. Misbranding of Nozol. U. S. v. 72 Bottles, et al., of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24483, 24513. I. S. Nos. 022882, 022883. S. Nos. 2754, 2808.)

Samples of a drug product known as Nozol having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the presence of 2 lots of the product at San Francisco, Calif.

On January 28, and February 7, 1930, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 72 bottles and 108 bottles of Nozol, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Nozol Co. (Inc.), from Pittsburgh, Pa., in part on or about July 10, 1929, and in part on or about December 9, 1929, and had been transported in interstate commerce from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended. Subsequently the libel filed against 72 bottles of the product was amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small amounts of camphor, menthol, and peppermint oil.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the bottle labels, in the accompanying circular, and on the display carton accompanying a portion of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Keeps the Nose * * * healthy;" (circular) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles,—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth.—the fact that they cannot be readily seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals, and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol * * * healing * * * the infected parts and helping to stop further spread of the infection. * * * permits sufficient time for therapeutic action. * * * Nozol * * * is an effective agent in combating sinus trouble * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. * * * Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing * * * qualities of Nozol will greatly aid nature in correcting this catarrhal condition * * * Nozol for Hay Fever * * * Thousands today are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol when used in time spreads over the tissues, preventing the pollen from attacking the lining. Nozol for Sinus Trouble * * * It is estimated that * * * people in America are troubled with sinus infection of varying degrees. Sinus trouble * * * is indicated by frequent headaches, drippings of mucus into the throat, stoppage of the nasal passages and soreness and tenderness beneath the eye and over the cheekbone. If nature is allowed free rein, it can usually correct this condition. Nozol Most Effective Preparation for Sinus Trouble. By using Nozol regularly the nasal passages are kept clear and clean and proper drainage of the sinus is allowed. Use frequently,—three or four times a day if convenient and, shortly, the most stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble. * * * People having trouble breathing while sleeping, and this is also true in case

of children, can overcome this condition by clearing out the passages with Nozol;" (display carton accompanying portion of product) "Nozol Relieves Sinus Trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay Fever, General Nose Troubles, Use Nozol for Sinus Trouble * * * Sinus Trouble Relieves with Nozol. * * * Nozol (Nose All)."

On June 17 and 18, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17469. Misbranding of B-C for headache and neuralgia. U. S. v. 37 Dozen Packages, et al., of B-C for Headache and Neuralgia. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23458. I. S. Nos. 02386, 02387. S. No. 1635.)

Samples of a drug product known as B-C for headache and neuralgia from the herein-described interstate shipment, having been found to contain drugs which may be dangerous, and to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On or about February 26, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 dozen 25-cent packages and 82 dozen 10-cent packages of B-C for headache and neuralgia, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the B. C. Remedy Co., from Durham, N. C., on or about January 14, 1929, and had been transported from the State of North Carolina into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "B-C for Headache and Neuralgia * * * Absolutely Safe, Positive Relief, * * * Sleeplessness, Brain Fatigue, La Grippe, Earache, Rheumatic and Female Pains."

Analysis of a sample of the article by this department showed that the powders contained acetylsalicylic acid (6.64 grains per powder), acetanilide (3.82 grains per powder), and potassium bromide (12.04 grains per powder).

It was alleged in substance in the libel that the article was misbranded in that the above-quoted statements regarding the curative and therapeutic effects of the article, and the standard of strength under which it was sold, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic, curative, and preventive effects claimed.

The charges recommended by this department were that the statements on the envelope of the 25-cent package, "Absolutely safe," and on the envelope of the 10-cent package, "B-C * * * May be taken with absolute safety," were false and misleading; and that the following statements regarding the curative and therapeutic effects of the article, were false and fraudulent: (Envelope, 25-cent package) "Positive Relief * * * For * * * Neuralgia * * * Sleeplessness, Brain Fatigue, La Grippe, Earache, Rheumatic & Female Pains * * * For * * * Neuralgia, one powder * * * If not relieved in ½ hour repeat. For LaGrippe, Rheumatic & Female Pains, one powder every hour until relieved;" (envelope, 10-cent package) "For * * * Neuralgia * * * Earache, Toothache, Neuritis, * * * Grippe, Rheumatic and Female Pains * * * Neuralgia, Earache and Toothache: Take one powder and if not relieved in one hour repeat. Neuritis, Sciatica and Rheumatic Pains: One Powder every two hours until relieved, then half a powder three times a day for several days to keep pain from returning. Female Pains: One powder every hour until relief is obtained. * * * Grippe and Flu: Take one powder as soon as symptoms appear; repeat every two hours until relieved."

On May 25, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17470. Misbranding of Neuraline tablets. U. S. v. 42 Packages of Neuraline. Decree of destruction entered. (F. & D. No. 23427. I. S. No. 01025. S. No. 1541.)

Samples of a drug product known as Neuraline tablets from the herein-described shipment having been found to contain in the labeling curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On February 19, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 packages of Neuraline, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Eureka Medical Co., from South Bend, Ind., on or about December 10, 1928, and had been transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. On June 4, 1929, an amended libel was filed in the case.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide (2.5 grains per tablet) and milk sugar.

The article was labeled in part: (Carton) "For the relief of * * * Neuralgia, Lagrippe, * * * Rheumatic Pains. * * * Directions for * * * Neuralgia, Acute Pains, take a tablet on tongue followed by half cup of water, preferably hot. If not relieved repeat dose after half an hour. If necessary take another dose an hour later. In persistent and chronic cases take a tablet 3 or 4 times a day until pains subside. In Rheumatism and violent cases 2 tablets may be a dose. For children under 15 years * * * For * * * Sore Throat start with a full dose, then 3 or 4 half doses a day. For Fevers and LaGrippe take a tablet every three or four hours until body is cooled off. For painful Menses take a tablet at onset of pains, continue every hour until relieved;" (yellow circular) "In Neuraline I found a safe * * * remedy * * * Neuraline quickly relieves pains and aching of the body. Its great merit is evidenced by its * * * use * * * as a reliever of ailments, * * * For * * * Cramps and Neuralgia. For * * * LaGrippe, Tonsillitis, Soreness of Chest and Body. Take a tablet with a cup of water, preferably hot. If necessary repeat dose after one hour. Continue doses at three or four hour intervals until pain is gone. Quickest results are obtained if patient remains quietly in bed for a short time and follows a simple diet. Take a tablet with water, preferably hot. Then one after two hours and continue taking one every four hours until relieved. * * * Take Neuraline and keep well. * * * [Testimonials] I have tried your Neuraline for headache and neuralgia and can say that it will stop pain for me in three minutes, and in five minutes I can go on with my work, free from pain * * * I am now stronger than I have been in two years and weigh more than I ever did before in my life, and I know that Neuraline is what has done it. * * * I have had to suffer with neuralgia. I had taken quinine, morphine and the strong drugs until my digestion and nervous system had become so impaired that I was almost an invalid and my life was a perfect misery all the time. No tongue can tell the suffering I endured from the excruciating pain of neuralgia and the sick and prostrate condition resulting from the use of medicines which only gave temporary relief. But in Neuraline I found a safe and sure remedy that gave immediate relief and left the general system in a better condition than before taking. The attacks have been lightened and farther between since I have used Neuraline and I believe that a thorough relief is rapidly being accomplished. * * * I had been a sufferer from neuralgia since 1886 and hardly knew what it was to go without my head bandaged. Sometime ago I received a sample of Neuraline, which gave me so much relief * * * Had I known of Neuraline years ago I might have avoided a great deal of suffering. I have long been afflicted with severe pains in the head and it was not until I used your remedy that I found relief. * * * I have had neuralgia over 16 years and found very little relief until I began using Neuraline. * * * When I received the Neuraline I had a severe attack of la Grippe and neuralgia. In ten minutes after taking a tablet there was not a pain in my body. I had suffered dreadfully for three days and nights and I can assure you that the relief was appreciated. * * * it has always given the best satisfaction."

It was alleged in the libel as amended that the article was misbranded in that the above-quoted statements regarding the curative and therapeutic

effects of the said article appearing on the carton label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 27, 1930, no appearance having been had in the case, a decree was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17471. Misbranding of Sannette. U. S. v. 2 Dozen Packages of Sannette.
Default decree of destruction entered. (F. & D. No. 21403. I. S. No. 3459-x. S. No. C-5264.)

Samples of a drug product known as Sannette having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the District of Minnesota the presence of a quantity of the product at Minneapolis, Minn., from the interstate shipment herein described.

On November 23, 1926, the United States attorney filed in the District Court of the United States for the District of Minnesota a libel praying seizure and condemnation of 2 dozen packages of Sannette, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Sannette Chemical Co., from Cincinnati, Ohio, on or about September 25, 1926, and had been transported from the State of Ohio into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc salts, alum, boric acid, and small amounts of menthol, phenol and methyl salicylate. Bacteriological examination showed that the article was not antiseptic in the dilutions recommended.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Seal) "Healing * * * Antiseptic;" (package label) "Antiseptic * * * Prepared especially for vaginal douche. Superior to Bichlorid, Permanganate of Potash or the Cresol compounds. Indications—Leukorrhea, gonorrhea, vaginitis, vulvitis, metritis, cervicitis, etc. Relieves any condition characterized by odor, inflammation or discharge. * * * Directions—As a douche: One teaspoonful of the powder to two quarts of warm water;" (circular accompanying shipment) "Antiseptic. * * * antiseptic * * * It provides the elements necessary to make a mild antiseptic solution * * * Antiseptic * * * antiseptic * * * antiseptic * * * a high germicidal value * * * full germicidal value. * * * the superiority of Sannette * * * efficacious * * * In the treatment of all forms of uterine, cervical and vaginal inflammation, all authorities agree on the beneficial effects of the warm vaginal irrigation. Pus, mucous, shreds, and all the products of inflammation are washed out. * * * the * * * healing effect of Sannette solution is extremely grateful. The powder in solution is of great value in the treatment of all inflammation of the female generative tract, including acute and chronic metritis. Indeed, in these conditions the use of Sannette solution as an intra-uterine irrigation is of marked effect. In cervicitis and vaginitis, regardless of the aetiological factors, Sannette solution is beneficial and materially aids the physician in his treatment of these conditions. In leukorrhea and gonorrhea the Sannette douche is extremely useful. The excoriating and acrid discharge * * * is removed. The germicidal action of Sannette solution tends to prevent the further invasion of the pathogenic bacteria, corrects the intensely alkaline reaction, and removes the products of inflammation. * * * Sannette will prove of great value in the treatment of these conditions, * * * of a mildly antiseptic * * * nature * * * The physician is urged to advise the use of Sannette in these cases. Its mild antiseptic properties * * * will be appreciated * * * One teaspoonful of Sannette to two quarts of warm water is the requisite strength for the douche."

On April 10, 1930, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17472. Misbranding of Dr. Gary's Famous vegetable ointment. U. S. v. 17 Bottles of Dr. Gary's Famous Vegetable Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23901. I. S. No. 010145. S. No. 2087.)

Examination of samples of a drug product known as Dr. Gary's Famous vegetable ointment from the herein-described interstate shipment having shown that it consisted of a liquid, the principal ingredients of which were kerosene and turpentine, that it contained approximately 17.5 per cent of alcohol, and that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Michigan.

On August 2, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 bottles of Dr. Gary's Famous vegetable ointment at Lansing, Mich., alleging that the article had been shipped by the Gary Medicine Co., from Chattanooga, Tenn., on or about May 6, 1929, and transported in interstate commerce from the State of Tennessee into the State of Michigan, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of kerosene and turpentine oils, camphor, menthol, alcohol (17.5 per cent), flavoring oils, and water.

It was alleged in the libel that the article was misbranded in that the statements, "Vegetable Ointment," and "Not over 27 per cent alcohol," borne on the labeling, were false and misleading, since the article contained kerosene, a mineral product, and contained less than 27 per cent of alcohol, namely, 17.5 per cent of alcohol. Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements appearing on the carton and in the accompanying booklet, regarding the curative or therapeutic effects of the article, were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Dr. Gary's Vegetable Ointment is recommended for many of the chief ailments of the human system. * * * Dr. Gary's Vegetable Ointment carries sworn affidavits in relation to the benefits received, in treatment of many diseases known to the human system. * * * In long standing of Chills and Fever, Typhoid, Pneumonia, or Bloat caused by Malaria. There is invariably to be found a water seal which is caused from Night Sweats, Clogged Skin Pores, etc.;" (booklet) "It gives life instead of destroying it. It relieves because it extracts the root of the disease. It relieves all of the chief ailments known to infest the human system by removing the cause. All ailments are prone to evil and all diseases that infest the human body of their natural evil. Disease is sometimes induced by carelessness in regard to one's person; * * * seed of disease has been planted somewhere in the body, * * * disease as that part of the body affords. * * * body becomes diseased through the charging of the entire system with poisonous virus, not properly secreted by the kidneys on account of their diseased condition, but in consequence is permitted to flow out over the body and thus in time poison and disease the whole body, causing dropsy, rheumatism and various other so-called ailments, yet all is due to the one source—a clogged liver or weak kidneys. Restore these organs to their proper functions and you restore the whole man and make him perfect just as the Divine Creator did in the beginning, before he in some unknown manner violated nature's laws. Remove the cause is the theory of our specialist, Dr. P. Gary, and you remove the disease, no matter what it is. Because it extracts the root of the disease, it is known to produce more cures * * * No matter how long standing. * * * Dr. Gary's Vegetable Ointment will relieve you if applied to the outer part of the body. * * * It will immediately enter into the system destroying disease germs, purifying the blood and building up the entire system to a state of perfect health. For catarrh of the head and throat, apply to scalp as well as body. * * * In cases where there is much swelling, soreness or pain, it may for quick relief be applied to the limbs or affected parts; but in all cases and for all ailments it should be applied to the trunk of the body, for this is the seat of all disease. * * * If the bowels are swollen from typhoid, pneumonia or chills, increase the application until relief is obtained."

In addition to the above statements, the booklet contained in testimonial form, commendations for the use of the article in question in the following

conditions or diseases: "Rheumatism, kidney trouble, stomach trouble, high blood pressure, asthma, heart trouble, liver swelling, bowels swelling, paralysis, bladder trouble, indigestion, soreness in the bowels, neuralgia, enlargement of the spleen, neuritis, pellagra, flu, influenza, chills and fever, female troubles, nephritis, weak kidneys, tuberculosis, swollen leg, pleurisy, scrofula, acute indigestion, Bright's disease, night sweats, tonsilitis, constipation, chills, malaria, consumption, appendicitis, gall stones and gravels, milk leg, hemorrhage of the lungs, cough, catarrh, yellow jaundice, menstruation, urinary trouble, pain in the head, back and shoulders, breaking out of the hands, arms and body and splotches of the face, body swelling, general breakdown, catches in the back and shoulders, affliction of the lower limbs, sores, pain in the left side and breast and under shoulder blades, pain over the kidneys, noncirculation of the blood, loss of health, bad health, rundown condition, aches and pains, all kinds of disease and sickness, trouble and pain, bedfastness, and to Save Life."

On September 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17473. Misbranding of Larkin cold and grippe tablets. U. S. v. 1 Box and 5 Boxes of Larkin Cold & Grippe Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23688. I. S. No. 08410. S. No. 1872.)

Examination of samples of a drug product known as Larkin cold and grippe tablets having shown that the product contained drugs that might be dangerous, that the quinine contained therein would have the customary effects of quinine, and that the labels bore curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Illinois.

On May 8, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 box containing 140 packages, and 5 boxes each containing 148 packages of Larkin cold and grippe tablets, remaining in the original packages at Peoria, Ill., alleging that the article had been shipped by the Larkin Co. (Inc.), from Buffalo, N. Y., in various consignments, on or about December 14, 1928, January 12, 1929, and February 15, 1929, respectively, and had been transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, quinine hydrobromide, monobromated camphor, caffeine, and extracts of laxative plant drugs including aloin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the box labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Larkin Cold and Grippe Tablets * * * are absolutely safe * * * They contain quinine hydrobromide which has all the * * * qualities of quinine without causing the undesirable effect of ringing in the head;" (box) "Grippe Tablets * * * grippe and coughs * * * relief for * * * Grippe, Coughs * * * Aching Limbs;" (circular) "Grippe Tablets for Relief of * * * Grippe * * * start taking these tablets. They will * * * ward off or relieve an attack of grippe within a few days. For relief * * * feverish conditions that usually accompany * * * grippe; they relieve the aching and soreness of the flesh; * * * and have a beneficial effect upon the urinary tract. * * * tend to relieve cough if any is present. * * * They tend to relieve sour stomach and dyspepsia. * * * Benefit the Urinary Tract In * * * grippe conditions the urinary functions are usually disturbed, and there is a possibility of a resulting bad effect upon the urinary tract. Larkin Cold and Grippe Tablets * * * have beneficial * * * effect upon the urinary tract."

The charges recommended by this department were that the article was misbranded in violation of section 8, general paragraph of the act, in that the following statements from the circular, "Larkin Cold and Grippe Tablets * * * are absolutely safe, * * * They contain quinine hydrobromide

which has all the qualities of quinine without causing the undesirable effect of ringing in the head," were false and misleading, and that the remainder of the above-quoted statements were false and fraudulent.

On March 21, 1930, the Larkin Co., of Illinois, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17474. Misbranding of bromo-aspirin. U. S. v. 9½ Dozen Packages of Bromo-Aspirin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23634. I. S. No. 08701. S. No. 1713.)

Examination of samples of a drug product known as bromo-aspirin having shown that it contained no bromine or bromides, and did contain aspirin, a coal-tar derivative; that the aspirin contained therein would have the customary effects of aspirin; and that the labels bore certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On May 28, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9½ dozen packages of bromo-aspirin, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Taylor Medicine Co. (from Tampa, Fla.), on or about January 3, 1929 (December 3, 1928), and transported from the State of Florida into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetylsalicylic acid and caffeine, but neither bromine nor bromide.

It was alleged in the libel that the article was misbranded in that the following statements, borne on the carton label and in the accompanying circular, were false and misleading: (Carton and circular) "Bromo Aspirin;" (carton) "Does Not Upset The Stomach;" (circular) "The safety of * * * Bromo Aspirin * * * physicians, dentists and druggists can recommend it because of its safety. Even people who * * * cannot take coal tar derivatives * * * or plain Aspirin at all, find * * * Bromo-Aspirin * * * a * * * relief * * * with no disagreeable or burning sensation in the stomach, or feeling of weakness. * * * Bromo Aspirin * * * that will not depress the heart action, * * * For more than ten years, * * * Bromo-Aspirin has been known as 'The Kind that does Not depress the Heart.'" Misbranding was alleged for the further reason that the following statements appearing in the labeling of the said carton and circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers that the article was composed of and contained ingredients and medicinal agents effective for causing and producing the effects claimed: (Carton) "For * * * Fevers, La Grippe, Rheumatism, * * * 'Fine for that tired feeling;'" (circular) "Physicians explain that severe * * * rheumatism, neuralgia, grippe, flu and fevers are * * * attended by a weakness of the heart action, and require stimulation * * * The safety of * * * Bromo-Aspirin should give it preference * * * for * * * cases where headaches are caused by periodic pains. * * * for * * * all kinds of pains, * * * Bromo-Aspirin helps to improve the circulation and makes you feel comfortable and rested when tired. There are times when women especially need a remedy * * * to stop * * * back-aches and periodic pains. Bromo Aspirin * * * stops the pains and protects the heart action."

On June 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17475. Adulteration and misbranding of ether. U. S. v. Twenty-five 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24642. I. S. No. 027317. S. No. 3004.)

Samples of the ether from the herein-described shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On March 24, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of twenty-five 1-pound cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Solvents & Chemical Corporation, from Albany, N. Y., on or about January 21, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. X."

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P. X.," was false and misleading.

On April 30, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

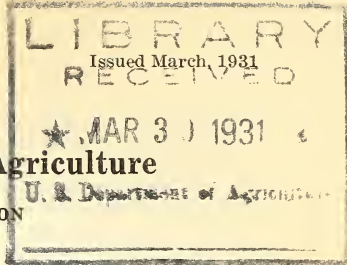
ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17476-17500

[Approved by the Secretary of Agriculture, Washington, D. C., March 13, 1931]

17476. Adulteration and misbranding of butter. U. S. v. 8 Cases of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 24883. I. S. No. 027430. S. No. 3176.)

Samples of butter from the herein-described interstate shipment having been found to be deficient in milk fat, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On June 4, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 8 cases of butter, remaining in the original unbroken packages at Boston, Mass., consigned about May 27, 1930, alleging that the article had been shipped by the South Peacham Creamery Co., South Peacham, Vt., and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent of milk fat.

Misbranding was alleged for the reason that the article was labeled "Butter," which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 16, 1930, the South Peacham Cooperative Creamery Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of collateral in the amount of \$100, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17477. Alleged adulteration of oranges and tangerines. U. S. v. Arthur M. Prevatt (Prevatt & Co.). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 22587. I. S. Nos. 14668-x, 21253-x.)

Examination of samples of the oranges and tangerines from the herein-described interstate shipments having shown that a portion of the fruit was deficient in juice, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On October 10, 1928, the said United States attorney filed in the District Court of the United States aforesaid an information against Arthur M. Prevatt, trading as Prevatt & Co., Seville, Fla., alleging shipment by said defendant in violation of the food and drugs act on or about February 14, 1928, from the State of Florida into the State of Georgia of a quantity of oranges, and on or about March 21, 1928, from the State of Florida into the State of Maryland of a quantity of tangerines, which said products were alleged to be

adulterated. The articles were invoiced as oranges and tangerines, respectively. The said tangerines were billed as cabbage.

It was alleged in the information that the articles were adulterated in that substances of decomposed and excessively dried oranges and tangerines had been substituted in part for edible fruit, which the articles purported to be; and in that orange juice or tangerine juice, as the case might be, valuable constituents of the articles, had been in part abstracted; and in that the articles consisted in part of decomposed vegetable substances.

On June 2, 1930, the defendant was arraigned and entered a plea of not guilty to the information. On June 18, 1930, the case came on for trial before the court and a jury. After the introduction of evidence and argument by counsel on behalf of the Government and the defendant, the case was submitted to the jury, which returned a verdict of not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17478. Adulteration of butter. U. S. v. Herman G. Frieler (Omega Creamery Co.). Plea of guilty. Fine, \$50. (F. & D. No. 25000. I. S. Nos. 021249, 021260.)

Samples of butter from the herein-described interstate shipments having been found to be deficient in butterfat, in that they contained less than 80 per cent of butterfat, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

On May 27, 1930, the United States attorney filed in the District Court of the United States aforesaid an information against Herman G. Frieler, trading as the Omega Creamery Co., Omega, Minn., alleging shipment by said defendant in two consignments on or about August 26, 1929, and September 4, 1929, respectively, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

On May 27, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17479. Adulteration of butter U. S. v. 18 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24974. I. S. No. 022977. S. No. 3200.)

Samples of butter from the herein-described interstate shipment having been found to be deficient in butterfat in that it contained less than 80 per cent of butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On or about June 10, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 18 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Shamokawa Farmers Creamery Association, from Astoria, Oreg., on April 30, 1930, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Challenge Cream & Butter Ass'n., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On June 17, 1930, the Shamokawa Farmers Creamery Association, Astoria, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$417, conditioned in part that it be made to conform with the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17480. Adulteration of butter. U. S. v. Wilder Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 25004. I. S. No. 03516.)

Samples of the butter from the herein-described interstate shipment having been found to be deficient in butterfat, in that it contained less than 80 per cent of butterfat, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

On June 10, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against the Wilder Creamery Co., a corporation, Wilder, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about July 4, 1929, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On June 10, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17481. Adulteration and misbranding of cheese. U. S. v. 11 Boxes, et al., of Cheese. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 23532, 23580. I. S. Nos. 05193, 05194, 09240. S. Nos. 1765, 1835.)

Samples of cheese from the herein-described interstate shipments having been found to be low in fat and to contain excessive moisture, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Indiana.

On March 20, and April 5, 1929, respectively, the said United States attorney filed in the District Court of the United States aforesaid libels praying seizure and condemnation of 17 boxes of cheese, remaining in the original unbroken packages at South Bend, Ind., alleging that the article had been shipped by H. H. Solie from Stetsonville, Wis., in two consignments on or about February 19, 1929, and March 12, 1929, respectively, and had been transported from the State of Wisconsin into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Colby Style Full Cream American Cheese." A portion was further labeled: "Wisconsin No. 1."

It was alleged in substance in the libels that the article was low in milk fat and contained excessive moisture and was adulterated in that moisture in excessive amounts had been mixed and packed with and substituted in part for the proper solids of said cheese. Adulteration was alleged for the further reason that milk fat, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the labels on the articles were misleading and tended to and did deceive and mislead the purchasers as to the quality of the said article, since it was not full cream cheese.

At the February term, 1930, of said court, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17482. Adulteration of canned frozen eggs. U. S. v. 2745 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24746. I. S. No. 025672. S. No. 3105.)

Samples of the canned frozen eggs from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On May 2, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2,745 cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Robinson-Hoban Co., Duluth, Minn., alleging that the article had been shipped from Duluth, Minn., on or about November 22, 1929, and transported from the State of Minnesota into the State of New York,

and charging adulteration in violation of the food and drugs act. The article was labeled in part: "The Robinson-Hoban Co., Chicago, Eggs."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 20, 1930, the Robinson-Hoban Co., Duluth, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bond in the sum of \$40,000, conditioned in part that the good portion be separated from the bad under the supervision of this department, the former released for food purposes, and the remainder released for technical uses.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17483. Adulteration of canned frozen eggs. U. S. v. 630 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24762. I. S. No. 025673. S. No. 3118.)

Samples of the canned frozen eggs from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On May 13, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 630 cans of frozen eggs, remaining in the original unbroken packages at Rochester, N. Y., consigned by the Fairmont Creamery Co., alleging that the article had been shipped from Lawton, Okla., on or about April 18, 1930, and transported from the State of Oklahoma into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy Fairmont's Frozen Fresh Eggs."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 17, 1930, the Fairmont Creamery Co., Omaha, Nebr., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bond in the sum of \$8,000, conditioned in part that the good portion be separated from the bad under the supervision of this department, the former released for food purposes, and the remainder released for technical uses.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17484. Adulteration and misbranding of evaporated apples. U. S. v. Hartmann Dried Fruit Co. Plea of guilty. Fine, \$25. (F. & D. No. 19715. I. S. No. 24024-v.)

Samples of evaporated apples from the herein-described interstate shipment having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 12, 1926, the said United States attorney filed in the District Court of the United States aforesaid an information against the Hartmann Dried Fruit Co., a corporation, Rochester, N. Y., alleging shipment by said company in violation of the food and drugs act on or about December 30, 1924, from the State of New York into the State of Illinois, of a quantity of evaporated apples which were adulterated and misbranded. The article was labeled in part: (Box) "Rivera Brand—New York State Evaporated Apples."

It was alleged in the libel that the article was adulterated in that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength; and for the further reason that a substance, to wit, excessive water, had been substituted in part for evaporated apples which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Apples," borne on the labels was false and misleading in that the said statement represented that the article consisted wholly of evaporated apples; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into believing that it consisted wholly of evaporated apples, whereas it did not so consist but did consist in part of excessive water.

On June 3, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17485. Misbranding of butter. U. S. v. 561 Pounds of Butter. Product ordered released under bond to be repacked. (F. & D. No. 24952. I. S. Nos. 028154, 028155, 028156, 028162. S. No. 3201.)

Samples of the butter from the herein-described interstate shipments having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On June 16, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 561 pounds of butter at Atlantic City, N. J., alleging that the article had been shipped by the P. E. Sharpless Co., Philadelphia, Pa., in various lots, on or about June 9, 1930, and June 12, 1930, respectively, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: "Sharpless Dairy Products, Philadelphia, * * * One Pound Net," "Pure Butter, 8 Oz. Net, P. E. Sharpless Company, Philadelphia," "Meadow Farms Butter, Country Roll, 1 Lb. Net, Distributed by P. E. Sharpless Co., Philadelphia, Pa."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "One Pound Net," "8 Oz. Net," and "1 Lb. Net," were false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements, "One Pound Net," "8 Oz. Net," and "1 Lb. Net," were incorrect.

On June 26, 1930, the P. E. Sharpless Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the said product, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be repacked in tubs under the supervision of this department, so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17486. Adulteration of figs. U. S. v. 5 Cases of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24367. I. S. No. 022787. S. No. 2627.)

Samples of figs from the herein-described interstate shipment having been found to be moldy and infested, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On December 14, 1929, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 5 cases, each containing 120 packages of figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Staikos Bros., from New York, N. Y., on or about November 2, 1929, and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Package) "Selected Figs Product of Greece * * * Imported by Staikos Bros, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17487. Adulteration of tomato puree. U. S. v. 72 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24737. I. S. No. 028561. S. No. 3091.)

Samples of the tomato puree from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 28, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 72 cases of tomato puree, remaining in the original unbroken packages at Newburgh, N. Y., alleging that the article had been shipped by W. E. Robinson & Co., Newark Center, Del., on or about January 2, 1930, and had been transported from the State of Delaware into the State of New York, and charging

adulteration in violation of the food and drugs act. The article was labeled in part: "United Quality Brand Tomato Puree * * * Packed by United Canneries Corporation, Newark, Delaware."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17488. Misbranding of canned red raspberries and canned strawberries. U. S. v. W. N. Clark Co. Plea of guilty. Fine, \$25. (F. & D. No. 23733. I. S. Nos. 02544, 02545, 05710.)

Samples of the canned red raspberries and strawberries from the herein-described interstate shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On June 24, 1929, the United States attorney filed in the District Court of the United States aforesaid an information against the W. N. Clark Co., a corporation, Rochester, N. Y., alleging shipment by said company in violation of the food and drugs act as amended, on or about August 1, 1928, and August 15, 1928, from the State of New York into the States of New Hampshire and Massachusetts, respectively, of quantities of canned red raspberries, and on or about August 15, 1928, from the State of New York into the State of Massachusetts of a quantity of canned strawberries, which products were misbranded. The articles were labeled in part: (Cans) "Dieta Brand Columbian Red Raspberries [or "Dieta Brand Strawberries"] Exclusively Prepared by W. N. Clark Co., Rochester, N. Y.; Contents 1 lb. 5 oz.," and "Harmony Brand Columbian Red Raspberries Packed By Holcomb Preserving Co., Inc. Holcomb, N. Y.; Contents 1 lb. 5 oz."

It was alleged in the information that the articles were misbranded in that the statement "Contents 1 lb. 5 oz.," borne on the can labels, was false and misleading; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser since each of said cans did not contain 1 pound 5 ounces of the articles, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17489. Adulteration and misbranding of tankage. U. S. v. 500 Bags, et al., of Tankage. Consent decrees of condemnation entered. Product released under bond. (F. & D. Nos. 23851, 23855. I. S. Nos. 012986, 012987, 012988, 012989. S. Nos. 1314, 1335.)

Samples of a feed product known as feeding tankage or 60 per cent tankage from the herein-described interstate shipments having been found to contain foreign matter, namely, glass and sand, and in portions also coffee grounds and carbonates, the facts were reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.

On or about November 13, and November 19, 1928, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,200 sacks of tankage, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Bi-Products Feed Co., of Union Stockyards, Chicago, Ill., in part from Chicago, Ill., and in part from Cedar Rapids, Iowa, in various consignments on or about October 16, October 26, October 30, and November 8, 1928, respectively, and had been transported from the States of Illinois and Iowa, respectively, into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated in that foreign matter containing glass, sand, coffee grounds, and carbonates in portions thereof, and glass and sand in the remainder, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the sacks bore no label showing the net weight of the said product.

The Nutrena Feed Mills (Inc.), Kansas City, Kans., appeared as claimant for 600 sacks of the product. Claim was interposed for 600 sacks of the product by Lawrence Trickett, Kansas City, Kans., as receiver appointed by the court in an action in the State courts involving the said 600 sacks. On November 23, 1928, and December 24, 1928, respectively, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said 1,200 sacks be released to the respective claimants upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it be relabeled to show the true contents.

On May 16, 1930, the Packers Product Co., Cedar Rapids, Iowa, having appeared as claimant for the remaining 1,000 sacks of the article, judgments were entered finding the said portion adulterated and ordering its condemnation, and it was further ordered by the court that the said 1,000 sacks of the product be released to the Packers Product Co., upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17490. Adulteration of canned cherries. U. S. v. Frederick B. Huxley and Phillip F. Huxley (F. B. Huxley & Son). Pleas of guilty. Fines, \$100. (F. & D. No. 23737. I. S. Nos. 03141, 03143, 03144.)

Samples of the canned cherries from the herein-described interstate shipments having been found to contain worms and decayed cherries, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of New York.

On June 24, 1929, the said United States attorney filed in the District Court of the United States aforesaid an information against Frederick B. Huxley and Phillip F. Huxley, copartners trading as F. B. Huxley & Son, Ontario, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, from the State of New York into the State of Pennsylvania, on or about July 18, July 20, July 26, and July 31, 1928, respectively, of quantities of canned cherries which were adulterated. The article was labeled in part: (Cans) "Huxson Brand Pitted Red Sour Cherries * * * Packed by F. B. Huxley & Son, Ontario, N. Y."

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances.

On June 4, 1930, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17491. Misbranding of table sirup. U. S. v. Four 5-Gallon Cans of Table Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24589. I. S. No. 022543. S. No. 2907.)

Samples of the table sirup from the herein-described shipment having been found to have the color and flavor of maple sirup, the Secretary of Agriculture reported the matter to the United States attorney for the District of South Dakota.

On March 5, 1930, the United States attorney filed in the District Court of the United States for the said district a libel praying seizure and condemnation of four 5-gallon cans of table sirup, remaining in the original unbroken packages at Deadwood, S. Dak., alleging that the article had been shipped by the Early Coffee Co., Denver, Colo., on or about February 5, 1930, and had been transported from the State of Colorado into the State of South Dakota, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Early's Blue Label Table Syrup * * * contents corn sirup with cane sugar imitation maple flavored * * * manufactured by the Early Coffee Co., Denver, Colo."

It was alleged in the libel that the article was misbranded in that it was an imitation of another article.

On May 22, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17492. Adulteration of oysters. U. S. v. Thomas E. Jones (Thos. E. Jones & Co.). Plea of guilty. Fine, \$4. (F. & D. No. 25017. I. S. Nos. 022120, 022121.)

Samples of oysters from the herein-described interstate shipments having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On June 6, 1930, the said United States attorney filed in the District Court of the United States aforesaid an information against Thomas E. Jones, trading as Thos. E. Jones & Co., Cambridge, Md., alleging shipment by said defendant in violation of the food and drugs act in two consignments on or about November 14 and November 15, 1929, respectively, from the State of Maryland into the State of Delaware of quantities of oysters which were adulterated. The article was labeled in part: "From Thos. E. Jones & Co. Wholesale Planters, Packers and Shippers of * * * Oysters Cambridge, Maryland."

It was alleged in the information that the article was adulterated in that water had been mixed and marked therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for oysters which the said article purported to be.

On June 6, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$4.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17493. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24747. I. S. No. 027401. S. No. 3107.)

The dressed poultry from the herein-described interstate shipment having been found to contain emaciated, tubercular, and otherwise diseased birds, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On May 3, 1930, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 2 barrels of dressed poultry at Boston, Mass., alleging that the article had been shipped by the Fremont Beverage Co., Fremont, Nebr., on or about April 19, 1930, and transported from the State of Nebraska into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in whole or in part of a portion of an animal unfit for food; and in that it was the product of a diseased animal.

On May 19, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17494. Misbranding of butter. U. S. v. 7 Cases of Butter. Product released under bond to be reconditioned. (F. & D. No. 24892. I. S. No. 018571. S. No. 3147.)

An examination of samples of the print butter from the herein-described interstate shipment having shown that certain prints contained less than the amount labeled, namely, 1 pound, the Secretary of Agriculture reported the facts to the United States attorney for the District of Utah.

On May 19, 1930, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 7 cases, each containing 60 pounds of butter, remaining in the original and unbroken packages at Logan, Utah, alleging that the article had been shipped by the Sego Milk Products Co., from Preston, Idaho, on or about May 16, 1930, and had been transported from the State of Idaho into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print wrapper) "Churned especially for Sewell's United Stores, Creamery Butter, 1 Pound Net Weight, Office Salt Lake City, Utah."

It was alleged in the libel that the article was misbranded in that the statement "1 Pound Net Weight" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

The Sego Milk Products Co., Preston, Idaho, appeared as claimant for the property and filed an answer admitting the allegations of the libel and praying permission to repack the product. On May 28, 1930, the claimant having paid costs of the proceedings, and executed a bond in the sum of \$500, conditioned upon compliance with an order of the court, on motion of the United States attorney, a decree was entered ordering release of the product to the claimant to be repacked and reconditioned, under the supervision of this department, so that it conform in all respects to Government regulations.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17495. Adulteration of canned spinach. U. S. v. 750 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24729. I. S. No. 029825. S. No. 3082.)

Samples of the canned spinach from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On April 19, 1930, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 750 cases of canned spinach at Detroit, Mich., alleging that the article had been shipped by H. F. Hemingway & Co., from Baltimore, Md., on or about August 11, 1927, and transported from the State of Maryland into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hemingway's Anchor Branch Spinach * * * Distributed by H. F. Hemingway & Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17496. Adulteration of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23145. I. S. No. 02381. S. No. 1245.)

Samples of canned tomatoes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Florida.

On October 13, 1928, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of canned tomatoes, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by Charles B. Silver, from North East, Md., on or about October 15 (October 19), 1925, and transported from the State of Maryland into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Cross Brand * * * Tomatoes Chas. B. Silver, Havre De Grace, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On July 25, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17497. Adulteration of canned unpeeled pie peaches. U. S. v. 125 Cases, et al., of Canned, Unpeeled Pie Peaches. Default decree of condemnation and destruction. (F. & D. Nos. 24093-24098, incl. I. S. No. 010476. S. No. 2342.)

Samples of canned unpeeled pie peaches from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On September 6, 1929, the United States attorney filed in the District Court of the United States aforesaid libels praying seizure and condemnation of 950 cases of canned unpeeled pie peaches, remaining in the original unbroken packages at Natchez, Miss., alleging that the article had been shipped by the Evans Canning Co., from Fort Valley, Ga., on or about June 29, 1929, and had been transported from the State of Georgia into the State of Missis-

issippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Setter Brand Unpeeled Pie Peaches, * * * packed by Evans Canning Co. Fort Valley, Ga."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On May 21, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17498. Misbranding and alleged adulteration of butter. U. S. v. 20 Cases and 44 Tubs of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 24828. I. S. Nos. 037552, 037553. S. No. 3057.)

Samples of the tub butter herein described having been found to contain less than 80 per cent of butterfat, and samples of the print butter having been found to be short weight, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

On or about March 26 and March 27, 1930, respectively, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 20 cases, each containing 30 pounds of print butter, and 44 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Clover Farm Dairy Co., Memphis Tenn., on or about March 14, 1930, and had been transported from the State of Tennessee into the State of Louisiana, and charging misbranding with respect to the print butter, and adulteration and misbranding with respect to the tub butter, in violation of the food and drugs act as amended. The tub butter was labeled in part: "The Clover Farm Dairy Co. * * * Memphis, Tenn." The print butter was labeled in part: (Retail carton) Dixie Clover Creamery Butter One Pound When Packed Quarters;" (shipping carton) From Clover Farm Dairy Company, Memphis, Tenn."

Adulteration of the tub butter was alleged for the reason that a product deficient in milk fat had been substituted for butter which the article purported to be, and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the print butter was alleged in the libel for the reason that the statement "One Pound When Packed," borne on the label, was false and misleading and deceived and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated on the package was not correct. Misbranding of the said tub butter was alleged for the reason that it was offered for sale under the distinctive name of another article.

On April 7, 1930, the Clover Farm Dairy Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libels, judgments were entered finding the print butter misbranded in that the prints contained less than 16 ounces of butter, and that the tub butter was misbranded in that it was sold under the distinct (distinctive) name of another article. Judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,900, conditioned in part that it be brought into compliance with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17499. Misbranding of flour. U. S. v. 460 Sacks of Flour. Decree of condemnation, forfeiture, and sale entered, with provision for release under bond. (F. & D. No. 24591. I. S. No. 026996. S. No. 2944.)

Sample sacks of flour from the following described interstate shipment having been found to contain less than the amount labeled on the sack, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Louisiana.

On March 6, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation

of 460 sacks of flour, remaining in the original unbroken packages at Lake Arthur, La., alleging that the article had been shipped by the American Maid Flour Mills, Houston, Tex., on or about February 8 (February 20), 1930, and had been transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "American Maid Flour * * * American Maid Flour Mills Bleached 24 Pounds."

It was alleged in the libel that the article was misbranded in that the statement "24 Pounds" was false and misleading and deceived and misled the purchaser, since the packages contained less than the weight indicated thereon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made on the said package as to the weight of the contents was incorrect.

On April 21, 1930, no answer or claim having been filed, the case came on for final disposition. Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. The decree provided, however, that the product might be released to the shipper, the American Maid Flour Mills, Houston, Tex., or the consignee, J. C. Mack, Lake Arthur, La., upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be repacked, under the supervision of this department, in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17500. Misbranding of butter. U. S. v. 8 Boxes, et al., of Butter. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 24894, 24895. I. S. Nos. 022643, 023612. S. Nos. 2994, 2997.)

Sample cartons of butter from the herein-described interstate shipment having been found to contain less than 1 pound, the weight declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of New Mexico.

On March 14 and March 17, 1930, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 14 boxes of butter, remaining in the original packages in part at Raton, N. Mex., and in part at Las Vegas, N. Mex., alleging that the article had been shipped by Swift and Co., from Denver, Colo., on or about March 11 and March 14, 1930, and had been transported from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box) "MacMarr Food Corp. Ltd., Las Vegas, N. Mex. or ["Raton, N. Mex.,"] * * * Snodgrass Food Co. * * * 1 Lb. Cartons Creamery Butter;" (carton) "French Creamery Butter * * * Distributed by the Snodgrass Food Co., One Pound Net Weight."

It was alleged in the libels that the article was misbranded in that the statement "One Lb. Net Weight," borne on the carton was false and misleading, since the package contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On April 19, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be relabeled to show the correct weight and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17501-17525

[Approved by the Secretary of Agriculture, Washington, D. C., March 18, 1931]

17501. Adulteration and misbranding of Jersey gray shorts and screenings. U. S. v. 400 Sacks of Jersey Gray Shorts and Screenings. Consent decree of condemnation. Product released under bond. (F. & D. No. 24897. I. S. No. 09624. S. No. 3137.)

Samples of gray shorts and screenings from the herein-described interstate shipment having been found to contain bran, the facts were reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.

On or about April 10, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of Jersey gray shorts and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Rodney Milling Co., Kansas City, Mo., on or about April 5, 1930, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Jersey Gray Shorts and screenings * * * Mfg'd by Rodney Milling Co., Kansas City, Mo. * * * Ingredients: Wheat Gray Shorts and not over 3% Wheat Screenings."

It was alleged in substance in the libel that the article was adulterated in that bran had been mixed and packed with and substituted in part for the said article, and for the further reason that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the name "Jersey Gray Shorts" was false and misleading and deceived and misled the purchaser when applied to an article containing bran.

On April 22, 1930, the Rodney Milling Co., Kansas City, Mo., entered an appearance as claimant for the property, consented to the entry of judgment, and agreed to recondition and relabel the said product. On April 24, 1930, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, and that claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17502. Adulteration of butter. U. S. v. 26 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23863. I. S. No. 03449. S. No. 2031.)

Samples of butter from the herein-described interstate shipment having been found to be deficient in butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On June 11, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped from the Exchange Creamery, Charles Town, W. Va., and had been transported from the State of West Virginia into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance low in milk fat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923.

On June 14, 1929, the Exchange Creamery, Charles Town, W. Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, to be reconditioned so that it contain at least 80 per cent milk fat, upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it should not be sold or disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17503. Adulteration and misbranding of butter. U. S. v. 50 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24893. I. S. No. 036836. S. No. 3131.)

Samples of butter from the herein-described interstate shipment having been found to be deficient in butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On April 28, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at Duluth, Minn., alleging that the article had been shipped by the Sunlight Produce Co., a branch of the Cudahy Packing Co., from Superior, Wis., on April 23, 1930, and had been transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Parchment wrapper) "Sunlight Creamery Butter, The Cudahy Packing Co. Distributors, General Offices Chicago, U. S. A."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or its strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 7, 1930, the Sunlight Produce Co., Superior, Wis., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be reworked so that it comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17504. Adulteration of ground oat groats. U. S. v. 40 Bags of Ground Oat Groats. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 23857. I. S. No. 012995. S. No. 1937.)

Samples of feed labeled as ground oat groats from the herein-described interstate shipment having been found to contain foreign matter, the facts were reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.

On or about April 9, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 bags of ground oat groats, remaining in the original unbroken packages at Leavenworth, Kans., alleging that the article had been shipped by the Grain Belt Mills Co., St. Joseph, Mo., on or about April 5, 1929, and had been transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that foreign matter had been mixed and packed with and substituted in part for the said article.

On June 15, 1929, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17505. Misbranding of linseed meal. U. S. v. 76 Bags, et al., of Linseed Meal. Portion of product condemned and forfeited and released under bond to be relabeled. Remainder released under bond for use as fertilizer. (F. & D. Nos. 24757 to 24761, incl. I. S. Nos. 015260 to 015264, incl. S. No. 3115.)

Samples of linseed meal from the herein-described interstate shipments having been found to contain less protein and fat than labeled, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Virginia.

On May 13, 1930, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 605 bags of linseed meal, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the Consolidated By-Product Co., Philadelphia, Pa., in various consignments, on or about March 4, March 15, and March 24, 1930, respectively, and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Linseed Meal Guaranteed Analysis Protein 34% Min., Fat 6.2% Min. * * * Manufactured by Consolidated By-Product Co., * * * Philadelphia."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Guaranteed Analysis Protein 34% Min., Fat 6.2% Min.," was false and misleading and deceived and misled the purchaser when applied to an article which contained a less amount of protein and fat.

On May 24, 1930, S. D. Scott & Co., Duncan & Emory (Inc.), the City Hay & Grain Co., and the Berkley Feed Corporation, all of Norfolk, Va., having appeared as claimants for respective portions of the property, and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portions of the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,100, conditioned in part that it be relabeled under the supervision of this department. On May 16, 1930, 162 bags of the product having been found by the United States marshal at the freight yard, consigned for shipment to the Consolidated By-Product Co., Philadelphia, Pa., to be used for fertilizer material, an order of the court was entered releasing the said portion upon the execution of a bond in the sum of \$250, conditioned in part that it should not be used for food or in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17506. Adulteration of tomato sauce. U. S. v. 568 Cases of Tomato Sauce. Decree of destruction entered. (F. & D. No. 24422. I. S. No. 029601. S. No. 2660.)

Samples of tomato sauce from the herein-described interstate shipment having been found to contain decomposed material, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Ohio.

On January 8, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 921½ cases of tomato sauce at Cleveland, Ohio, alleging that the article had been shipped by F. Romeo Co. (Inc.), Dover, Del., on or about October 26, 1929, and had been transported from the State of Delaware into the State of Ohio, and charging adulteration in violation of the food and drugs act. Subsequently the libel was amended to cover the 568 cases of the product that were seized. The article was labeled in part: (Can) "Giulietta Brand Tomato Sauce Naples Style. * * * Salsa di Pomodoro Uso Napoli Giulietta Packing Co. Made in U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 9, 1930, F. Romeo & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree in conformity with the prayer of the said libel, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that its final disposition by salvage, export to a foreign country, or otherwise, be subject to the approval of this department. The claimant having failed to dispose of the product in manner as provided by the said decree, within the 30 days allowed therefor, final judgment was entered ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17507. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Default decree of destruction. (F. & D. No. 24584. I. S. No. 016939. S. 2925.)

Samples of cottonseed meal from the herein-described interstate shipment having been found to contain less ammonia and protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Tennessee.

On March 3, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Athens, Tenn., alleging that the article had been shipped by the Rome Oil Mill, Rome, Ga., on or about January 21, 1930, and transported from the State of Georgia into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Etowah Brand Cottonseed Meal, Manufactured by Rome Oil Mill, Rome, Ga. Guaranteed Analysis Ammonia 7% Crude Protein 36%."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act in that it was deficient in protein and ammonia.

Misbranding was alleged for the reason that the statements on the label, "Cottonseed Meal Guaranteed Analysis Ammonia 7.00%, Crude Protein 36.00%," were false and misleading and deceived and misled the purchaser since the ammonia content was less than 7 per cent, and the protein content was less than 36 per cent.

On March 24, 1930, no claimant having appeared for the property and the Rome Oil Mills of Rome, Ga., having agreed that judgment of condemnation and forfeiture be entered in the case, it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17508. Adulteration of canned spinach. U. S. v. 9½ Cases of Canned Spinach. Default order of destruction entered. (F. & D. No. 23787. I. S. No. 04162. S. 1997.)

Samples of canned spinach from the herein-described shipment having been found to contain decomposed material, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of West Virginia.

On August 15, 1929, the United States attorney filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 9½ cases of canned spinach at Huntington, W. Va., alleging that the article had been shipped by the Comstock Canneries (Inc.), from Marion, N. Y., on or about March 16, 1929, and transported from the State of New York into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sweet Violet Brand Extra Fine Spinach * * * Mt. Morris Canning Co., Mt. Morris, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, putrid, decomposed vegetable substance.

On October 7, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17509. Adulteration and misbranding of coffee. U. S. v. 4 Cases of Coffee. Default decree of condemnation and destruction. (F. & D. No. 24525. I. S. No. 029941. S. No. 2807.)

Samples of coffee from the herein-described interstate shipment having been found to contain chaff, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On February 13, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of coffee at Jackson, Miss., alleging that the article had been shipped by the Maury Cole Co., from Memphis, Tenn., on or about August 16, 1929, and transported from the state of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Mar Co Brand * * * a Scientific Blend of Coffee and Chicory * * * packed by Maury Cole Co."

It was alleged in substance in the libel that the article had been shipped in violation of the said food and drugs act in that a substance, coffee chaff, had been mixed and packed with and substituted in part for coffee.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser in that the said label represented that the product was steel-cut, ground coffee, whereas it was not. Misbranding was alleged for the further reason that the labels on the said product were false and misleading.

On May 14, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17510. Misbranding of biscuits. U. S. v. 100 Dozen Packages of Biscuits. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24731. I. S. No. 023674. S. No. 3084.)

Sample packages of biscuit from the herein-described interstate shipment having been found to contain less than 8 ounces of the product, the weight represented on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On April 25, 1930, the United States attorney for the District of Colorado filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 dozen packages of biscuits, remaining in the original unbroken packages at Denver, Colo., consigned by the Loose-Wiles Biscuit Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about April 8, 1930, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunshine Salted Krispy Crackers Net Weight 8 Ozs. Loose-Wiles Biscuit Co. Address—New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 8 Ozs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents since the statement made was incorrect.

On May 13, 1930, the Loose-Wiles Biscuit Co., a New Jersey corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department to show the correct weight of the contents of the packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17511. Adulteration and misbranding of vinegar. U. S. v. Central City Pickle Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 23731. I. S. Nos. 01926, 08381, 23654-x, 23668-x, 23706-x.)

Samples of vinegar from the herein-described interstate shipments having been found to consist in large part of an acid substance other than apple-cider vinegar or cider vinegar, and to be artificially colored, and a portion thereof having been found deficient in acidity, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Illinois.

On September 27, 1929, the United States attorney filed in the District Court of the United States for said district an information against the Central City Pickle Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 21, September 30, December 28, and December 30, 1927, respectively, from the State of Illinois into the State of Wisconsin, of quantities of vinegar which was adulterated and misbranded. The article was labeled in part: "Apple Cider Vinegar" or "Cider Vinegar." A portion was further labeled: "Diluted to 45."

It was alleged in the information that the article was adulterated in that an acid substance other than apple-cider vinegar, or cider vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its

quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was inferior to apple-cider vinegar or cider vinegar, and was artificially colored so as to simulate the appearance of apple-cider vinegar or cider vinegar, and in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Apple Cider Vinegar," or "Cider Vinegar," and with respect to a portion of the article, the further statement, "Diluted to 45," borne on the barrels containing the article, were false and misleading in that the said statements represented that the article was apple-cider vinegar or cider vinegar, and that a portion thereof had been diluted to 4½ per cent acidity; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was apple-cider vinegar or cider vinegar, and that the said portion had been reduced to 4½ per cent acidity, whereas it was a mixture composed in part of an acid substance other than represented, and the said portion had been reduced to less than 4½ per cent acidity. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article.

On May 27, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17512. Adulteration of tangerines and grapefruit. U. S. v. The Lakeland Co. Plea of guilty. Fine, \$25. (F. & D. No. 22562. I. S. Nos. 5912-x, 10732-x, 12489-x, 12696-x.)

Examination of samples of the tangerines and grapefruit from the herein-described interstate shipments having shown that a large part of the fruit was dry due to frost damage, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On June 25, 1928, the United States attorney filed in the District Court of the United States for said district an information against the Lakeland Co., a corporation, Lakeland, Fla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about February 14 and March 3, 1927, from the State of Florida into the State of Georgia, of quantities of tangerines and grapefruit, and on or about February 22, 1927, from the State of Florida into the State of Colorado, of a quantity of grapefruit, which was adulterated. The tangerines and a portion of the grapefruit were labeled in part: "Lapaco, * * * The Lakeland Company Lakeland, Florida."

It was alleged in the information that the articles were adulterated in that decomposed and frost-damaged fruit had been substituted in part for edible tangerines and grapefruit, which the articles purported to be; in that juice, a valuable constituent of the articles, had been in part abstracted; and in that the articles consisted in part of decomposed vegetable substances.

On February 25, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17513. Misbranding of flour. U. S. v. 400 Sacks, et al., of Flour. Decree of condemnation, forfeiture, and sale, with provision for release under bond. (F. & D. No. 24393. I. S. Nos. 025360, 025361, 025364. S. No. 2632.)

Sample sacks of flour from the following described interstate shipment having been found to contain less than the amount labeled on the sacks, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Louisiana.

On December 24, 1929, the said United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of four hundred and forty-eight 12-pound sacks, and three hundred and twenty 6-pound sacks of flour, alleging that the article had been shipped by the G. B. R. Smith Milling Co., on or about November 23, 1929, from Sherman, Tex., into the State of Louisiana, that it remained in the original unbroken packages at Lake Charles, La., and that it was misbranded in violation of the food and drugs act as amended. The sacks containing the article were labeled in part: "12 Lbs. [or "6 Lbs."] Bouquet Flour," or "12 Lbs. Daily Biscuit Self Rising Flour." Nineteen 12-pound sacks of the Daily Biscuit self-rising flour were seized.

It was alleged in the libel that the article was misbranded in that the statements, "12 Lbs." or "6 Lbs." on the labels, were false and misleading and deceived and misled the purchaser, since the packages contained less than the weights indicated thereon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made thereon as to the weight of the contents were incorrect.

On April 21, 1930, no answer or claim having been filed, the case came on for final disposition. Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. The decree provided, however, that the said product might be released to the G. B. Smith Milling Co., Sherman, Tex., shipper, or the F. C. Winter Mercantile Co., Lake Charles, La., upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be repacked, under the supervision of this department, in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17514. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24601. I. S. No. 037807. S. No. 2952.)

Samples of tomato catsup from the herein-described interstate shipment having been found to contain mold and undeclared artificial color, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On March 7, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases of tomato catsup at Lebanon, Mo., alleging that the article had been shipped by the Rush Canning Co., from Bentonville, Ark., on or about October 22, 1929, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Packed by Mid-Mountain Fruit Company, Bentonville, Ark., Grown and packed in the Ozark Mountains * * * Mid-Mountain Brand."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the designation "Tomato Catsup" on the labels, was false and misleading and deceived and misled the purchaser, when applied to an article containing artificial color.

On April 14, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17515. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24637. I. S. No. 037808. S. No. 2992.)

Samples of the cottonseed meal from the herein-described interstate shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On March 22, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 sacks of cottonseed meal, remaining in the original unbroken packages at Lebanon, Mo., alleging that the article had been shipped by the Southern Cotton Oil Co., Newport, Ark., on or about February 17, 1930, and had been transported from the State of Arkansas into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chickasha Prime Cottonseed Cake or Meal * * * Guaranteed Analysis, Protein Not less than 43 Per Cent."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 43 Per Cent," was false and misleading and deceived and misled the purchaser.

The Chickasha Cotton Oil Co., Newport, Ark., appeared as claimant for the property and admitted the allegations of the libel and consented that judgment be entered for condemnation and forfeiture of the product. On April 2, 1930, a decree was entered by the court finding the product misbranded and order-

ing that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17516. Misbranding of cottonseed cake. U. S. v. 300 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24641. I. S. No. 041318. S. No. 3003.)

Samples of cottonseed cake from the herein-described interstate shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On March 26, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed cake, remaining in the original unbroken packages at Plattsburg, Mo., alleging that the article had been shipped by the Cairo Meal & Cake Co., Cairo, Ill., on or about February 4, 1930, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Crude Protein, not less than 43 per cent * * * Cottonseed Meal."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 43 per cent," was false and misleading and deceived and misled the purchaser.

John Jackson, Plattsburg, Mo., appeared as claimant for the property and admitted the allegations of the libel and consented that judgment be entered for condemnation and forfeiture of the product. On April 2, 1930, a decree was entered by the court finding the product misbranded and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17517. Adulteration of canned tuna. U. S. v. 75 Cases of Canned Tuna. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24439. I. S. No. 024985. S. No. 2702.)

Samples of tuna fish from the herein-described interstate shipment having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 cases of canned tuna, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Coast Fishing Co., from Los Angeles, Calif., on or about November 29, 1929, and transported from the State of California into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Coast Brand California Tuna * * * Packed by Coast Fishing Co., Inc., Los Angeles, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 25, 1930, the Coast Fishing Co., Wilmington, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17518. Adulteration of canned tuna. U. S. v. 193 Cases of Canned Tuna. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24420. I. S. No. 019207. S. No. 2679.)

Samples of canned tuna from the herein-described interstate shipment having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On January 6, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation

of 193 cases of canned tuna, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Van Camp Sea Food Co., from San Diego, Calif., on or about December 7, 1929, and had been transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "White Star Brand Tuna Fish * * * Packed and Guaranteed by White Star Canning Co. Los Angeles Harbor, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 17, 1930, the Van Camp Sea Food Co., San Diego, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of until it had been reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17519. Adulteration of canned blueberries. U. S. v. 588 Cases of Canned Blueberries. Default decree of destruction entered. (F. & D. No. 24434. I. S. No. 024984. S. No. 2692.)

Samples of canned blueberries from the herein-described interstate shipment having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 14, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 588 cases of canned blueberries, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Frye Realty Co., from Harrington, Me., on or about August 29, 1929, and had been transported from the State of Maine into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pigeon Brand Blueberries Packed by Frye Realty Co. Harrington, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On May 10, 1930, no claimant having appeared for the property, a decree was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17520. Adulteration of canned tuna. U. S. v. 88½ Cases of Tuna. Consent decree of condemnation. Product released under bond. (F. & D. No. 24461. I. S. No. 024733. S. No. 2714.)

Samples of canned tuna fish from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On January 21, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 88½ cases of tuna fish, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Stewart Curtis Packers (Inc.), Long Beach, Calif., on or about October 19, 1929, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The cans containing the article were labeled variously: "Marca Sciales Tonno * * * Expressly packed for Sciales Grocery Co., St. Louis, Mo.;" "Columbia Brand Tonno * * * Expressly packed for Viviano Grocery & Mfg. Co. Inc. St. Louis, Mo.;" "Sicilia Brand Tuna * * * Packed by Italian Food Products Co., Inc., Los Angeles, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 3, 1930, the Italian Food Products Co. (Inc.), Los Angeles, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the bond filed by claimant in the sum of \$1,500 be approved and that the product be delivered to the said claimant to be reconditioned under the supervision of this department, and that said claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17521. Adulteration and misbranding of feed. U. S. v. Milam-Morgan Co. (Ltd.). Plea of guilty. Fine, \$250 and costs. (F. & D. No. 23746. I. S. Nos. 02235, 02236, 02237, 02238, 02239, 02300.)

Samples of feed from the herein-described interstate shipments having been found to be adulterated by the addition of undeclared ingredients, namely, cottonseed hulls, rice hulls, peanut hulls, ground grain sorghum, brewers' dried grains or ground kafir corn, as the case might be, certain portions thereof having been found to contain less protein or fat or more fiber than labeled, and a portion having been found to contain no corn gluten feed which was declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

On August 12, 1929, the United States attorney filed in the District Court of the United States for said district an information against the Milam-Morgan Co. (Ltd.), a corporation, New Orleans, La., alleging shipment by said company in violation of the food and drugs act, in various consignments on or about June 30, July 21, August 11, August 18, and October 27, 1928, respectively, from the State of Louisiana into the State of Florida, of quantities of feed which was adulterated and misbranded. The article was labeled in part variously: (Tags) "Red Mule Horse and Mule Feed Manufactured for E. E. Freeman Co., Inc., Tampa, Florida;" "Diamond 'M' Dairy Feed Manufactured for E. E. Freeman Co., Inc., Tampa, Florida;" "Besmaid Dairy Feed Manufactured by Milam-Morgan Co., Ltd., New Orleans, La.;" "Grade A, 24% Protein Dairy Feed Manufactured for P. C. Martino & Co., Tampa, Florida;" "Mo Mylk Dairy Feed Manufactured for P. C. Martino & Co., Tampa, Florida;" "Grade No. 1 24% Protein Dairy Feed Manufactured for P. C. Martino & Company, Tampa, Florida." The tags bore statements relative to the ingredients as hereinafter set forth.

It was alleged in the information that the article was adulterated for the reason that undeclared ingredients, namely, cottonseed hulls, rice hulls, peanut hulls, ground grain sorghum, brewers' dried grains or ground kafir corn as the case might be, had been mixed and packed with the article, so as to reduce and lower and injuriously affect its quality and strength, and for the further reasons, namely: Red Mule horse and mule feed, a feed containing cottonseed hulls and less than 10 per cent of protein, had been substituted for the article; Diamond "M" dairy feed, a feed containing rice hulls and peanut hulls, and containing more than 12 per cent of fiber, had been substituted for the article; Besmaid dairy feed, a feed containing ground grain sorghum and ground peanut hulls and more than 12 per cent of fiber, had been substituted for the article; Grade A 24% protein dairy feed, a feed containing brewers' dried grains, rice hulls, and peanut hulls and no corn gluten feed and less than 24 per cent of protein and less than 5 per cent of fat, had been substituted for the article; Mo Mylk dairy feed, a feed containing peanut hulls, ground kafir corn, and less than 4 per cent of fat and more than 12 per cent of fiber, had been substituted for the article; Grade No. 1 24% protein dairy feed, a feed containing brewers' dried grains and less than 5 per cent of fat and less than 24 per cent of protein, had been substituted for the article.

Misbranding was alleged for the reason that certain statements borne on the labels were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser as follows: The Red Mule horse and mule feed was labeled, "Ingredients: Cracked Corn, Crushed Oats, Alfalfa Meal, Sugar Cane, Molasses, ½ of 1% Salt, Guaranteed Analysis * * * Protein 10.00%," whereas it was composed in part of cottonseed hulls and contained less than 10 per cent of protein. The Diamond "M" dairy feed was labeled, "Ingredients: Cottonseed Meal, Corn Meal, Brewers Grains, Wheat Shorts, Alfalfa Meal, Cane Molasses and Salt, Wheat Bran, Guaranteed Analysis * * * Fibre 12.00%," whereas it was composed in part of rice hulls and peanut hulls, and contained more than 12 per cent of fiber. The Besmaid dairy feed was labeled, "Ingredients: Cottonseed Meal, Corn Meal, Brewers' Grains, Wheat Shorts, Wheat Bran, Alfalfa Meal, Cane Molasses and Salt, Guaranteed Analysis * * * Fiber 12.00%," whereas it was composed in part of ground grain sorghum and ground peanut hulls and contained more than 12 per cent of fiber. The Grade A 24% protein dairy feed was labeled, "24% Protein Dairy Feed * * * Ingredients: Corn Gluten Feed, Linseed Oil Meal * * * Dried Beet Pulp, Corn Feed Meal, Wheat Bran, Grey Shorts, Cottonseed Meal, Molasses and 1% Salt, Guaranteed Analysis, Fat 5.00%, Protein 24.00%," whereas it was composed in part of brewers' dried grains, rice hulls, and peanut hulls, contained no

corn gluten feed, less than 24 per cent of protein, and less than 5 per cent of fat. The Mo Mylk dairy feed was labeled, "Guaranteed Analysis: Fat 4.00% * * * Fibre 12.00%, Ingredients: Cottonseed Meal, Corn Meal, Brewers Grains, Wheat Shorts, Alfalfa Meal, and Salt, Cane Molasses, Wheat Bran," whereas it was composed in part of ground kafir corn and peanut hulls, and contained less than 4 per cent of fat and more than 12 per cent of fiber. The Grade No. 1 24% Protein dairy feed was labeled, "24% Protein Dairy Feed * * * Ingredients: Corn Gluten Feed, Linseed Oil Meal * * * Dried Beet Pulp, Corn Feed Meal, Wheat Bran, Grey Shorts, Cottonseed Meal, Molasses and 1% Salt, Guaranteed Analysis: Fat 5.00%, Protein 24.00%," whereas it was composed in part of brewers' dried grains and contained less than 24 per cent of protein and less than 5 per cent of fat.

On May 9, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture*.

17522. Adulteration and misbranding of butter. U. S. v. 6 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. Nos. 24885, 24887. I. S. Nos. 027438, 027440. S. Nos. 3199, 3202.)

Samples of butter from the herein-described interstate shipments having been found low in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 12, and June 13, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 tubs and 52 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned in two lots, on or about May 21, and May 28, 1930, respectively, alleging that the article had been shipped by the West River Creamery, South Londonderry, Vt., and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration with respect to a portion, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act. A portion of the article consisted of print butter labled in part: (Wrapper) "West River Creamery Co. South Londonderry, Vermont;" (wooden box) "Fancy Creamery Butter."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

Misbranding was alleged with respect to the print butter for the reason that it was labeled, "Butter," which was false and misleading, since it contained less than 80 per cent by weight of milk fat.

On June 23, and June 25, 1930, respectively, the West River Creamery Co., South Londonderry, Vt., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of collateral in the amount of \$850, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture*.

17523. Adulteration and misbranding of beef scrap and bone. U. S. v. 30 Bags of Beef Scrap and Bone. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24706. I. S. No. 012425. S. No. 3046.)

Samples of beef scrap and bone from the herein-described interstate shipment having been found to contain less than 55 per cent of protein, the amount declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

On April 5, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bags of beef scrap and bone, remaining in the original unbroken packages at Denton, Md., alleging that the article had been shipped by the Independent Manufacturing Co., from Philadelphia, Pa., on or about March 3, 1930, and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "From Independ-

ent Manufacturing Co., * * * Philadelphia, Pa. * * * 55% Beef Scrap & Bone Protein 55.00%."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "55% Beef Scrap & Bone Protein 55%," were false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 3, 1930, the Independent Manufacturing Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17524. Adulteration and misbranding of vanilla extract. U. S. v. 90 Bottles of Vanilla Extract. Default decree of condemnation and destruction. (F. & D. No. 24267. I. S. No. 017651. S. No. 2507.)

Samples of vanilla extract from the herein-described interstate shipment having been found to be deficient in vanilla flavor, and also artificially colored, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Kentucky.

On November 18, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ninety 4-ounce bottles of vanilla extract at Fort Thomas, Ky., consigned by the Atlanta Supply Co., Atlanta, Ga., August 30, 1929, alleging that the article had been shipped from Atlanta, Ga., and transported from the State of Georgia into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract, Vanilla, 40% Alcohol, * * * Manufactured by The Atlanta Supply Co., Atlanta, Georgia."

It was alleged in the libel that the article was adulterated in that an artificially colored product, deficient in vanilla, had been substituted in part for the said article, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the bottle label, "Flavoring Extract, Vanilla," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 24, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17525. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks, et al., of Cottonseed Meal. Product ordered released under bond. (F. & D. Nos. 23590, 23591, 23595. I. S. Nos. 05590, 05591, 05594. S. Nos. 1830, 1831, 1841.)

Samples of the product from the herein-described interstate shipments having been found to be cottonseed feed containing less protein and ammonia than labeled, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On or about April 8, and April 11, 1929, respectively, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 750 sacks of alleged cottonseed meal, remaining in the original unbroken packages in part at Orlando, Fla., and in part at Sanford, Fla., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., on or about February 15, 1929, and February 21, 1929, and had been transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal Manufactured by Planters Oil Co., Albany, Ga. Analysis Ammonia 7% Equivalent to Protein 36%."

It was alleged in the libels that the article was adulterated in that cottonseed feed had been substituted wholly (or in part) for cottonseed meal which the said article purported to be.

Misbranding was alleged for the reason that the statements on the labels, "Cottonseed meal" and "Ammonia 7% equivalent to protein 36%," were false and misleading and deceived and misled the purchaser when applied to an article containing less ammonia and less protein than declared and which in fact was cottonseed feed.

On May 1, 1929, the Planters Oil Co., Albany, Ga., having appeared as claimant for the property and having executed good and sufficient bonds, it was ordered by the court that the product be released to be relabeled, in compliance with the Federal food and drugs act, and that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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